

**SUFFOLK COUNTY LEGISLATURE
GENERAL MEETING
THIRD DAY
JANUARY 25, 2005**

**MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING IN THE ROSE Y.
CARACAPPA LEGISLATIVE AUDITORIUM 725 VETERANS MEMORIAL HIGHWAY,
HAUPPAUGE, NEW YORK**

MINUTES TAKEN BY
LUCIA BRAATEN, COURT STENOGRAPHER

[THE MEETING WAS CALLED TO ORDER AT 9:39 A.M.]

P.O. CARACAPPA:

Good morning, Mr. Clerk. Please call the roll.

MR. BARTON:

Good morning, Mr. Chair.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCILO:

Here.

LEG. SCHNEIDERMAN:

Here.

LEG. O'LEARY:

Here.

LEG. VILORIA • FISHER:

Here.

LEG. LOSQUADRO:

Present.

LEG. FOLEY:

Present.

LEG. LINDSAY:

(Not Present)

LEG. MONTANO:

Here.

LEG. ALDEN:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. BISHOP:

Here.

LEG. MYSTAL:

(Not Present)

LEG. BINDER:

(Not Present)

LEG. TONNA:

Here.

LEG. COOPER:

Here.

D.P.O. CARPENTER:

Here.

P.O. CARACAPPA:

I'm here.

MR. BARTON:

15 present. (Not Present: Legs. Lindsay, Mystal and Binder)

P.O. CARACAPPA:

Thank you. Would everyone please stand for a salute to the flag, led by Legislator O'Leary.

(Salutation)

P.O. CARACAPPA:

Please remain standing. I'd like to introduce Legislator Cameron Alden for the purposes of introducing today's clergy. Legislator Alden.

LEG. ALDEN:

Thank you, Mr. Presiding Officer. Today we're honored to have a representative from Saint Anne's. Saint Anne's is a very large parish in Brentwood. They do a lot of outreach. They provide a lot of services for people, and they're less than a nine iron away from our Brentwood Health Center, so there's been a lot of pressure put on their resources. Father James Hannon has so graciously agreed to come this morning and say a few words and give a benediction. Thank you.

FATHER HANNON:

Oh, God of Abraham, Isaac and Jacob, our Father, our creator, source of all power and knowledge, wisdom, beauty, goodness, we acknowledge your presence here. We address you, we worship you. You revealed your glory to the nations. Through your authority •• through you, authority is rightly administered, laws are enacted, and judgment is decreed. We pray for the members of the Legislature, for judges, elected civil officials, and all others who are entrusted to God our political welfare. May they be enabled by your powerful protection to discharge their duties with honesty and ability. We likewise commend to you our unbounded mercy, all the citizens of the United States, that we may be blessed in the knowledge and sanctified in the observance of your holy law. May we be preserved in union and that peace which the world cannot give, and after enjoying the blessings that this life be admitted to those which are eternal, we pray to you our Lord and God forever and ever. Amen.

P.O. CARACAPPA:

Thank you. I'd ask everyone to bow their heads for a moment of silence for Art Nigro, who was the Executive Director of MADD. We ask that you pray for his family at this time of trouble.

(Moment of Silence)

Thank you. Please be seated. I'd like to introduce Deputy Presiding Officer Carpenter for the purposed of •• I'd have to say, I guess, proclamations, but to read into the record the names of the Women of Distinction for the Year 2005, and Legislator Carpenter will give everyone a little brief history about this project. Legislator Carpenter.

D.P.O. CARPENTER:

Thank you. As most of you remember, we instituted the Suffolk County Woman of Distinction and each Legislator proposes someone from their district to recognize, and they'll be doing that in the various districts across Suffolk County with a proclamation. And one of the 18 who have been suggested as honorees will be selected as the Suffolk County Woman of Distinction. So, without further ado, let me just go through the list.

From the First District, from Legislator Caracciolo's district, we have Dr. Gaynell Stone from Wading River. From the Second Legislative District, Legislator Schneiderman, Susan Harder of East Hampton, and Gail Clyma from Southampton. Legislator O'Leary from the Third, Corrine Newman from Mastic. Legislator Caracappa, Presiding Officer Caraccappa, from the Fourth

District, Kathleen Gehm from Centereach. Legislator Vilorio•Fisher, from the Fifth District, Dr. Panna Shah from Port Jefferson. Legislator Losquadro, from the Sixth, Jennifer LoBocchiaro from Ridge. Legislator Lindsay from the Eighth, Mary Ann Neil from Bayport. Legislator Ricardo Montano, from the Ninth, Yvonne Patterson•Quirk from Brentwood. From the Tenth Legislative District, Legislator Alden's nominee, Helen Barbara of Great River. From the Eleventh Legislative District, Legislator Carpenter, Dr. Evelyn Blose Holman from Bay Shore. Legislator Kennedy from the Twelfth, Katherine Fitzgibbon of Brentwood. From the Fourteenth, Legislator Bishop, Barbara Keneally of Babylon. From the Fifteenth Legislative District, Legislator Mystal, Michelle Daniel of North Babylon. From the Sixteenth, Legislator Binder's district, Karen Joy Miller of Huntington. From the Seventeenth, Legislator Tonna, Kimberly Nowakowski of East Islip. And from the Eighteenth District, Jonathan Cooper, the nominee is Christenia Reimann from Centerport. Thank you.

P.O. CARACAPPA:

Thank you, Legislator Carpenter. And as the Deputy Presiding Officer had mentioned, all of those women will be recognized in the respective districts, and then the Women's Advisory Board will pick one to be the Suffolk County's overall Woman of Distinction. Very good.

We're going to go directly to public portion now. Public portion is for the public only, it's not a question and answer period. You have three minutes per speaker. Once your three minutes is •• has expired, I will ask you to sum up, and we'd appreciate it if you would. First speaker is Charlie Capp.

MR. CAPP:

Good morning. For the record, my name is Charlie Capp. I'm an Environmental Planner at the Group for the South Fork. The Group for the South Fork is a nonprofit organization whose mission is to protect the environment, quality of life and rural character on the South Fork of Long Island. We have over 3,000 members comprised of residents, second homeowners, local businesses and foundations.

The Group for the South Fork would like to take this opportunity to support the elimination of the nonessential cosmetic use of toxic and carcinogenic pesticides throughout Suffolk County. Legislator Schneiderman has introduced a bill that is a promising move in that direction.

As you are aware, there are known suspected or probable carcinogenic and toxic pesticides that

are readily available for use by homeowners and professional applicators. These are chemicals that have been reviewed and studied by the Environmental Protection Agency, International Agency for Research on Cancer, National Toxicology Program, and many other independent scientific bodies that have concluded that these chemicals are toxic to wildlife, marine life, domestic pets, men, women and children.

It is unfathomable that in this day and age, with cancer rates higher than ever, we still see small tanker trucks pulling up to someone's lawn and dowsing the lawn with human poison for the sole purpose of maintaining a House and Garden cover page green lawn. Similarly, the homeowner who willing goes out and buys small containers of toxic chemicals to apply with their own hands is equally puzzling, considering the proven or strongly suspected link to cancer and other illnesses.

That being said, philosophically, we believe that if a homeowner wants to create an artificial carcinogenic environment that only affects his or her backyard, it is their right to do so. However, a person's property does not exist in a bubble. Any toxic pesticide a person adds to his or her property, however they apply it, is cumulatively added to the common environment that many other people depend on. It may seep into the groundwater that other people drink or bathe in. It may run off into a watershed that leads to an estuary and contaminate the very food that we eat. Perhaps a gust of wind catches the spray while it is being applied and it ends up in the air that is being breathed by children playing across the street. The point is that the application of toxic pesticides is not a personal right when it directly affects the environment that sustains the health of so many others.

It cannot be stressed enough that a bill that bans the nonessential aesthetic use of toxic pesticides is not a prohibition on an immaculately green law. Anyone who so desires can use the abundance of safe alternative methods for achieving the same result.

The chemical-free landscaping industry is growing on both the manufacturing and maintenance sides. There are environmentally responsible alternatives to every carcinogenic pesticide being used for an aesthetic purpose.

P.O. CARACAPPA:

Mr. Capp, if you could just sum up.

MR. CAPP:

These alternatives are safe, effective, affordable, and allow any homeowner to maintain his or her lawn as they like.

In conclusion, The Group for the South Fork supports Legislator Schneiderman's efforts on a nonessential aesthetic use pesticides ban and urges all of the Legislators to do the same. On behalf of The Group for the South Fork, thank you for your time.

P.O. CARACAPPA:

Thank you very much. Next speaker is Brian Honan, followed by Erica Bozz Gomez.

MS. GOMEZ:

Good morning. Presiding Officer, we had prepared a presentation, and instead of having three people, we were wondering if we could pass out the presentation and the two first speakers, Brian and I, will yield our time to our Vice President, Kyle Bragg.

P.O. CARACAPPA:

We don't do yielding of time anymore, but you all have a chance to speak if you want, or if you want to speak collectively through one speaker is fine.

MS. GOMEZ:

Okay, that would be fine.

MR. HONAN:

That's what we'll do.

MR. BRAGG:

Good morning. My name is Kyle Bragg. I'm a Vice President of Service Employees International Union Local 32BJ. I'd like to thank the Presiding Officer, Legislator Caracappa, for allowing us to address the Honorable Suffolk County Legislature.

I wanted to talk to you •• I'm here to talk today about the Justice for Janitors Campaign in Long Island that our union is currently undertaking. Local 32BJ is a union •• I should talk about us to describe what we are. We're a union, a building service workers union in New York City and

the surrounding Tristate suburbs. We have 70,000 members in the area who work as office buildings •• office cleaners, maintenance workers, doormen, security officers and window cleaners.

Our mission is to eliminate the working poor in the building service industry. That means workers would earn a living wage, have health care, receive legal and pension benefits.

Our Justice for Janitors Campaign is focused on lifting office building workers in the Tristate suburban out of poverty. We want to improve standards for workers who clean commercial office buildings by fighting for decent wages, health care and job security for all cleaners in our region.

As many of you already know, the Long Island economy and office building market is a vibrant and competitive with other suburban office markets in the Tristate area. It is clear that Long Island's office market can support rising standards for its cleaners.

Office buildings in Nassau and Suffolk County are 90% occupied, which is more than other suburban markets in the region. Asking rents for office space in Long Island is higher than Westchester and Northern New Jersey. In fact, office market in Long Island ranks in the top five nationally.

While the office market is booming, the same cannot be said for Long Island's office cleaners. Only 50% of Long Island's office cleaners are able to earn area standard wages. This is because there's far less office space in Long Island cleaned by 32BJ signatory contractors.

The situation in Long Island is truly at a crossroads. If building owners chose to hire responsible contractors, the cleaners will earn living wages and enjoy dignity and respect on the job. If building owners chose to hire the lowest cost contractors, cleaners will be forced into poverty and dependency.

The problem of low road contracting is best illustrated by the case of North Hills Office Services, the largest single cleaning contractor in Long Island. North Hills pays workers a starting wage of \$6.50 per hour. North Hills has repeatedly violated workers rights and lowers standards. Just yesterday we see word that an Administrative Law Judge has ruled against North Hills for the fourth time for labor violations and the second time here in Long Island. The

fact the National Labor •• in fact, the National Labor Relations Board has issued five complaints against North Hills since 2003 for over 100 labor law violations. In four of the five complaints, fellow judges have ruled against North Hills. While the remaining complaint is scheduled for trial in February, the Administrative Law Judge ruling and the NRIB complaints documents a pattern of North Hills harassment, surveillance, threats, firings and suspensions of employees.

P.O. CARACAPPA:

Mr. Bragg, your time has expired. If you could just sum up the comments, we'd appreciate it.

MR. BRAGG:

Thank you, Presiding Officer. What we're asking today is that the Legislature •• Legislative body vote to pass a resolution that's been put together by Legislator Lindsay and Bishop, and the other cosponsors, and to ask building owners here in Long Island, Suffolk County, to do the same thing that the Legislative body here has done in passing a living wage for workers. Thank you.

P.O. CARACAPPA:

Thank you, sir. Okay. So, Mr. Honan, your comments were with those, and Ms. Gomez as well?

MR. HONAN:

Yes.

P.O. CARACAPPA:

Okay. To the sponsor •• sponsors, would you like to take this sense resolution out of order, seeing that the majority of the cards are for ••

LEG. TONNA:

Yeah, let's do that.

LEG. BISHOP:

Well, I think they may want a worker or two to speak, do they? I don't ••

P.O. CARACAPPA:

Okay, just asking.

LEG. TONNA:

Why don't we vote on it?

LEG. BISHOP:

Erica.

MS. GOMEZ:

Yes.

LEG. BISHOP:

Do you •• the Presiding Officer's asking if we want to vote on this now. Would you want some of your people to have an opportunity to speak?

MS. GOMEZ:

Well, we have a couple of workers, one who would directly benefit from the support of this campaign, and a couple of members who already are benefitting. So, if you •• if you would like to listen to those three speakers, that would be great, so that you can see who you're ••

P.O. CARACAPPA:

Sure.

MS. GOMEZ:

Who you'd be passing this for.

P.O. CARACAPPA:

I'll just go along with the cards, then, in the order. We'll hear from a few of them, then take it out of order. Pilar Guitierrez.

[THE FOLLOWING TESTIMONY WAS GIVEN THROUGH AN INTERPRETER]

MS. GUITIEREZ:

Good morning, Legislators. My name is Pilar Guitierrez and I live at 71 Jefferson in Wyandanch. I work for North Hills. I've worked for them for seven years. What I make right

now is 7.85 an hour. I take out the trash, I take out •• I dust, I clean windows and glass doors, and kitchens and tables. I work four hours and I don't think it's enough for the amount of work that I have to do.

I've come here today because I support the Campaign for Justice for Janitors like myself. I have to work two jobs, I work •• I start my day at nine o'clock in the morning and I don't get home until 11:00 at night. I would like to have more time to spend with my family. I have two children and two grandchildren and my husband. I would like to have more time to spend with my family, and I'm also scared that one day with all that I work that I might get sick, and with the money that I make I don't have enough money to go to the doctor. One day I went to the hospital because I was sick and I wasn't treated well, because I don't have health insurance. And now I have the bills to deal with and I have them there, but I can't pay them, because I don't make enough money.

I feel that we need your support, Legislators. And in this company •• we feel that we need your support, because especially in this company since we've started organizing, we've been threatened. I myself have been threatened and there have also been illegal firings. It feels impossible. We've come here to this country to work, to be treated so badly. We need your help so that we can continue contributing to this County of Suffolk.

P.O. CARACAPPA:

Okay. Your time has expired, and if you could just sum up.

MS. GUITIEREZ:

So, we ask you for your support today so that we can better our working conditions and our lives, too, and so that we can be respected, also. Thank you.

P.O. CARACAPPA:

Thank you. Sofia Joya.

MS. JOYA:

Good morning, Legislators. My name is Sofia Joya. I have been a 32BJ member for the past 16 years. Currently, I work at the New York Institute of Technology in Central Islip. As cleaners, we provide a labor service and contribute to the economy on Long Island.

Justice for Janitors Campaign is good for Long Island, because it points out the important contributions that cleaners make to the economy. Janitors pay local taxes. We shop in the mall and in store in Suffolk and Nassau. Many of us, such as myself, are involved with our church and meeting groups.

Throughout the years, I have become very active in my local, because I live •• I believe in organizing effort like the Justice for Janitors Campaign. Last year I took my time off on my job to help my local organized union workers. Through this effort, I saw firsthand the problems nonunion cleaners face every day. I am involved in union, but also because I know that an organized workforce is good for my community and my coworkers. Thank you for giving me this time for speaking.

P.O. CARACAPPA:

Thank you for coming.

LEG. TONNA:

Thank you.

(Applause)

P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

Motion to take it out of order.

P.O. CARACAPPA:

There's a motion to take Sense ••

LEG. TONNA:

Second.

P.O. CARACAPPA:

•• Number 81 out of •• is it 81?

MR. BARTON:

Yes.

P.O. CARACAPPA:

Sense 81 out of order by Legislator Bishop, second by Legislator ••

LEG. LINDSAY:

Second.

P.O. CARACAPPA:

•• Lindsay. All in favor? Opposed? Abstentions?

LEG. TONNA:

Put me down as a cosponsor.

P.O. CARACAPPA:

It is now before us. There's a motion by Legislator Lindsay to approve, second by Legislator Bishop.

LEG. TONNA:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Tonna.

LEG. TONNA:

I know it's a sense resolution and stuff, but having •• I know it's a resolution that doesn't have the force of law from the standpoint of having Suffolk County act upon it, but I think it's an important message that both Legislator Lindsay and Bishop have articulated in this bill. If you • in my district, I've gotten to meet some of the •• some of the workers who talk specifically about this North Hills group, and it's amazing that the minute that they started signing union cards that then, all of a sudden, you know, there was a drug testing policy, which nobody had a problem with, but it was only for this one group, then there were background checks. Again, nobody had a problem with it, but only this group. Then they started shifting around their

shifts, which if anybody here, you know, has children to raise and other things, and all of a sudden your shift is being •• you know, is being changed around, I mean that's a very subtle form of harassment.

And, you know, you read about these things, you know, you might have seen the movie Norma Rae, or something like that, you think it's in the past and it's history, but the fact is for a very large group of those people who are trying to get an opportunity in this country, who are willing to work very, very hard and play by all the rules that are set up, that they're just not getting those opportunities. And when you look at the profits that some of these companies are making on the backs of these hard workers, you realize that they're not •• it's not the rich who are really supporting the poor, but it's the poor who are subsidizing the rich. And you can't see it any better than in a situation like this in dealing with low wage earners and janitors. Thank you.

P.O. CARACAPPA:

Legislator Foley, then Vilorio•Fisher.

LEG. FOLEY:

Thank you, Mr. Chairman. And I think this illustrates the importance of sense resolutions. I have a number of constituents who work in this particular field, and I believe that this effort for Justice for Janitors is going to go a long way, well beyond Long Island. It can really be a demonstration of what could happen statewide and throughout this country as a way to help those who are working in a variety of offices and a variety of buildings, commercial buildings throughout the Island, throughout the state, and throughout the country.

So, on behalf of my constituents who work every day, laboring in the areas of janitorial services for a number of commercial buildings, I strongly support the resolution, will go on as a cosponsor. And again, this is a movement that will not only stay within the confines of Long Island, but is a movement that can go statewide, as well as country wide, and we're doing our fair share to make this movement an important one, one that cries out for justice and fairness for people who are working, who want to work and provide for their families, provide for their families the opportunities that we had when we were growing up and when our fathers and grandfathers and great grandfathers did similar work. Thank you very much.

P.O. CARACAPPA:

Thank you, Supervisor •• I mean, Legislator Foley. Legislator Vilorio•Fisher.

LEG. VILORIA•FISHER:

Again, this certainly underscores the importance of sense resolutions, because this is an important •• an important issue to put before the public, and to show our support for the people who are the workers on whose shoulders we build our economy.

And the day that we had the press conference and we listened to some of the workers speak about their working conditions and how their lives were affected by the salaries that they received, I had trouble sleeping that night, because I was thinking of the year that I spent with the Welfare to Work Commission, where we looked at how difficult it is for people to get out of the poverty. If you are working 40 hours a week and still making a salary that's below the poverty level, you can never get out of that cycle. And it brought to mind somebody from Greek Mythology called Sisyphus who was condemned for all eternity to push a stone up the hill, and just as he was about to get to the top of the hill, that stone came back down on him.

When you think of workers who, if they get ill, have to start from the very beginning because they don't have health benefits, or because they can't work and don't get paid when they're ill, who just can't get out of that cycle of poverty, we have to do everything we can not to make our workers into the Sisyphus of modern day. We have to help them to exit the cycle of poverty. Ustedes tienen nuestro apollo. You have our support. We're proud to support our workers.

(Applause)

P.O. CARACAPPA:

Ledge Alden.

LEG. ALDEN:

Legislator Tonna and Legislator Fisher touched on it, and I just •• I'm sure that Legislator Lindsay did make this clear, but what we have the jurisdiction and the authority to do is pass a resolution like this that would ask other levels of government to act on this. We don't really have the jurisdiction to effect this directly. And I'm sure that that was made clear, but before we vote on it, just so that no one gets their hopes up that this is actually going to affect the

situation directly, what we're doing here is, when we pass this, we're showing support for you to another level of government.

P.O. CARACAPPA:

Legislator Bishop, then Lindsay.

LEG. LINDSAY:

Okay. Just a comment.

LEG. BISHOP:

I'll yield to Legislator Lindsay who wants to comment directly.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Actually, this sense resolution would go to private industry on the Island today that really own and operate some of the most luxurious office buildings in Nassau and Suffolk County.

And Legislator Tonna talked about the poor subsidizing the rich. It's really all of us subsidizing this industry that pay such horrible wages, because most of these people, they don't have health insurance. When they get sick, they wind up in our health centers, they wind up on Medicaid, which all of us foot the bill for, when it's really the responsibility of these landowners and developers to pay a decent wage and decent fringe benefits to their employees.

Keep in mind that some of the rentals for luxury office buildings on Long Island is just a smidgen below the Manhattan market, they're way up there, and, yet, the wages they pay are more than half of what a janitor would earn in New York City.

P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

I'm sorry I yielded now, because Legislator Lindsay said a lot of what I wished to say. And everybody who has spoken has done so beautifully.

I just want to call my colleagues' attentions to the second to last page of the handout, which I think points out a fact that is compelling, which is that to •• for the industry to pay a fair wage, it would cost less than three cents for each square foot of a class A office building on Long Island each month. Now, that is far less than 1%, and it is a small increase that will have a tremendous impact on these people's lives and the lives of our community. So, we are •• while we're not able to directly affect this outcome, we are leaders in this community, and we do know many of the people who in the private sector are involved in this decision•making process. We know building owners. Perhaps some of us know people who are with this North Hills Company, or other janitorial companies, and, as community leaders, we should stand with these folks for a fair wage, and that's how we can contribute today.

P.O. CARACAPPA:

Thank you, Legislator Bishop. There's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Binder)

P.O. CARACAPPA:

Sense 81 is approved.

LEG. BISHOP:

Thank you.

P.O. CARACAPPA:

Thank you, everyone, for coming down.

(Applause)

Now, I still have a number of cards for people wishing to speak on this issue. I'm sure you don't now, hopefully, but if you still want to speak, if you feel the urgent need to, just raise your hands and let me know. Great. So I'm just going to skim through those cards and move

on. The next speaker is Vernon Chullkie. Vernon Chullkie? Marie Brito. I'm sorry, Mr. Chullkie is here. I'm sorry. Go right ahead, sir.

MR. CHULLKIE:

Good morning. I'm a member of ACORN and I came to support these people, because I know what it is to work as a janitor, I was once a janitor. I know what it is to work for low wages and no health benefits, and things like that. Right now, I had to retire from my job, because I had stress in my back, and I had to retire, but they would not give me the benefit that I need to have to apply for Medicaid. I had too much hospital bills, where I was looking at Medicaid to pick up. But I surely support these people, because I know what it is to have children, to have to switch your shift. They do a lot of things to get you off track, and then when you get so depressed, you're out of a job. But God bless you all, and I hope you stand up for these people. Amen.

P.O. CARACAPPA:

Thank you, sir. Marie Brito.

MS. BRITO:

Good morning.

P.O. CARACAPPA:

Good morning.

MS. BRITO:

I came this morning to talk about the authorization •• authorizing the use and monitoring devices for sex offenders. My name is Marie Brito, I live in Miller Place.

Sadly I was notified two weeks ago that a Level 3 sex offender moved two houses down from me. Suffolk County Police Department was phenomenal in notifying the neighbors of the fact that he was there, but come to •• coming to talk to the homeowner who lives there, we've come to find out that he's been there for a month•and•a•half. Now, I, as a mother, as a wife, and as a representative of my neighborhood, I can't stress enough how unsecure and unsafe we feel. I have •• we have seven people that are in the vicinity of maybe 200 feet of this home where he lives, and if he were to have this electronical device for the moment he was let out on

parole, then at least he'd be monitored in that month and a half that I was not aware that he was my neighbor. My children would have been safer, as well as my neighbors' children. I just strongly feel that I'm in favor of it, as a representative of my community.

P.O. CARACAPPA:

Thank you very much.

MS. BRITO:

Thanks for your time.

P.O. CARACAPPA:

Elsa Ford.

MS. FORD:

Good morning. I'm representing Brentwood•Bay Shore Breast Cancer Coalition this morning. Grass will grow. Even when paved over, it will grow through the cracks. Native plants are easy. They were here before us and, for the most part, will survive in spite of us.

An organic gardener, I've had abundant six•foot red ornamental South American amaranth and cherry tomatoes for 30 years. Each came from a single seedling from Fred _Drew's_ backyard, who seeds winter over and bloom by themselves.

There is a wealth of resources to help anyone landscape organically, and an annual updated list of organic landscapers, and I'll leave some stuff behind. I have a handful to show you.

The problem with pesticides are well•known and well described in the introduction to the resolution to ban the use of toxic pesticides for nonessential purposes. Children and pets are the most exposed and the most vulnerable.

In response to Long Island's environmental sensitivity and strong community activism, Suffolk County has long been in the forefront of environmental protection. For example, the Suffolk County Pesticide Phase•Out Community Advisory Committee works to find alternatives to pesticides, so that Suffolk County can be a model and a guide. The Suffolk County Water Authority doesn't use any lawn care products in its water production facilities.

In the same way you may consider the car seatbelt law necessary to save lives, consider the ban of an unnecessary use of toxics as the measure for health protection. P.S., in 2002, the Canadian province of Quebec announced a ban on the use of nonfarm pesticides on public and private lands by 2005, which is this year.

And here are materials from Neighborhood Network, from Cornell Cooperative Extension, from NOFA, from many groups that are readily available, and I'll just leave some samples here. Okay.

P.O. CARACAPPA:

That's it, Elsa? Thank you.

MS. FORD:

You're welcome.

P.O. CARACAPPA:

Larry Wilson. Is Larry Wilson present? Lorri Amato.

MS. AMATO:

Good morning. I'm here with the Moriches Bay Civic Association.

P.O. CARACAPPA:

Flip that microphone up, please.

MS. AMATO:

I'm here with the Moriches Bay Civic Association. Mr. Caracciolo today is going to propose a study for the liquified natural gas station •• gas project in the Long Island Sound. I'd like you to know that the Moriches Bay Civic Association, in conjunction with the Affiliated Brookhaven Civic Organization, and the Anti•Broadwater Coalition has been researching and studying for several months now about the risks and benefits of this project in the Long Island Sound, and our conclusion has been that the Long Island Sound is completely not an appropriate location for a liquified natural gas transfer station. It's more than an 80% enclosed body of water. It's environmentally impaired already. Our lobster and fishing industries have already been suffering, and we think that •• we thank you for doing this analysis, but we feel that it shouldn't

be done, period, in the end. We are available to have meetings with you, if you'd like to go over any of the things that we have already discovered.

P.O. CARACAPPA:

Could you forward those discoveries to each Legislator, please?

MS. AMATO:

Absolutely.

P.O. CARACAPPA:

Because we haven't seen any of it.

MS. AMATO:

Absolutely.

P.O. CARACAPPA:

Okay. Sarah Anker.

AUDIENCE MEMBER:

She's not here.

P.O. CARACAPPA:

Sarah Anker? I have no other cards. Anyone wishing to be heard? Motion to close public portion by myself.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Second by Legislator Alden. All in favor? Opposed? Abstentions?

Go to the agenda. Motion to approve the •• all Legislators, please report to the horseshoe.

Motion to approve the **Consent Calendar** by myself, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

LEG. VILORIA • FISHER:

Henry, I'm back here.

MR. BARTON:

17, 1 not present. (Not Present: Leg. Binder)

RESOLUTIONS TABLED TO JANUARY 25, 2005

P.O. CARACAPPA:

Tabled resolutions. ***1086 (A Charter Law to create the Real Estate Acquisition Anti •Corruption Reform Act)***. Motion to table by myself, second by Legislator Alden. All in favor? Opposed? Abstentions?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Binder)

P.O. CARACAPPA:

1313 (Accepting and appropriating excess revenues received from Hotel/Hotel Tax).

LEG. ALDEN:

Motion to table.

P.O. CARACAPPA:

Motion to table, Legislator Alden, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Binder)

P.O. CARACAPPA:

1592 (Authorizing execution of agreement by the Administration Head of Suffolk County Sewer District No. 3 • Southwest with the owner of the 110 Sand Company (HU•1040). I make a motion to approve.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Second by Legislator O'Leary. All in favor?

LEG. MYSTAL:

Table.

P.O. CARACAPPA:

Motion to table by Legislator Mystal, second by Legislator Alden. Motion to table takes precedence. Motion to table. All in favor? Opposed?

LEG. O'LEARY:

Opposed.

P.O. CARACAPPA:

Opposed, Legislator O'Leary. Second by myself. Second opposition •• to the tabling, that is. It's still early.

LEG. LOSQUADRO:

Henry, opposition.

P.O. CARACAPPA:

Three oppositions. Tabled.

MR. BARTON:

14.

P.O. CARACAPPA:

1694, skip over it. Wait for the sponsor to get here on that one. ***1981 (A Local Law to update Suffolk County Living Wage Law)***. Legislator Bishop.

LEG. BISHOP:

Table, please.

P.O. CARACAPPA:

Motion to table by Legislator Bishop, second by myself. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Binder)

P.O. CARACAPPA:

1992 (Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 • Southwest with 270 South Service Road (HU•1470)).

I'm assuming there's a motion to table, so we'll just go directly to that. Second •• by Legislator Mystal, second by Legislator Alden. All in favor? Opposed? Abstentions?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Binder)

P.O. CARACAPPA:

2133 (Authorizing the County Comptroller and County Treasurer to close certain capital projects and transfer funds). Motion by myself, second by Legislator Losquadro. All in favor?

LEG. ALDEN:

Just on the motion.

P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

Do we have a full list of the projects that are being closed?

P.O. CARACAPPA:

I believe they were distributed weeks ago, when it was first asked for.

Budget ••

MR. SPERO:

It was attached to the resolution as backup.

LEG. ALDEN:

I don't have it in front of me. All right.

P.O. CARACAPPA:

These are capital close•outs. All in favor? Opposed? Abstentions? 2144.

MR. BARTON:

17, 1 not present. (Not Present: Leg. Binder)

P.O. CARACAPPA:

(2144•Directing the Legislative Office of Budget Review to conduct an economic analysis of the financial implications of the closing of adult homes). We'll skip over •• motion to table by Legislator Schneiderman, second by myself. All in favor? Opposed? Abstentions? 22 ••

LEG. MYSTAL:

What, to table?

P.O. CARACAPPA:

Table, yeah.

MR. BARTON:

17, 1 not present. (Not Present: Leg. Binder)

P.O. CARACAPPA:

The reason why we're tabling is the Budget Review Steering Committee is going to meet and it's going to be •• instead of doing it through a resolution, it should go through the Budget Review Steering Committee, which directs Budget Review to do it. We're going to put that meeting together end of this week, early next week.

LEG. VILORIA•FISHER:

Could I ask Budget Review a question regarding this?

P.O. CARACAPPA:

Absolutely.

LEG. VILORIA • FISHER:

Jim, there was recently a closing in my district in Port Jefferson, the nursing home. Would that •• would this committee review that kind of closing and see what kind of ramifications it had on the •• both the workers and, of course, the people who were living in the nursing home?

MR. SPERO:

The study that would •• that's envisioned here in this resolution wouldn't impact long-term nursing home care, but more adult care or adults in transition or need •• that need housing.

LEG. VILORIA • FISHER:

I see.

MR. SPERO:

Okay.

LEG. VILORIA • FISHER:

Okay. I wasn't certain how broad the range was of what they were looking at. Thank you, Jim.

P.O. CARACAPPA:

2264 (Authorizing acquisition of land under the New Suffolk County Drinking Water Protection Program (land of South Oak Lane, East Islip • Town of Islip).

LEG. ALDEN:

Motion to table.

P.O. CARACAPPA:

Motion to table, Legislator Alden, second by ••

LEG. FOLEY:

Motion to approve.

P.O. CARACAPPA:

Motion to approve. There's a motion to approve by Legislator Foley.

LEG. LINDSAY:

Second.

P.O. CARACAPPA:

Second by Legislator Lindsay. I'll make the second on the tabling, takes precedence.

LEG. FOLEY:

On the motion.

LEG. ALDEN:

Just on my motion to table, just there's a competing resolution in here. I've been working on this acquisition for two•and•a•half years and I was surprised to see this resolution come over when I had a resolution already to approve the acquisition of this, so that's why I'm asking to have this one tabled.

LEG. CARACCILO:

Mr. Chairman.

P.O. CARACAPPA:

Legislator Foley, then Caracciolo.

LEG. FOLEY:

Thank you. Legislator Alden, the •• your particular resolution is ••

LEG. ALDEN:

It's in the ••

LEG. FOLEY:

It's in the •• it's in the Environmental ••

LEG. ALDEN:

Yes.

LEG. FOLEY:

It's been reported out of committee; correct?

LEG. ALDEN:

Yes.

LEG. FOLEY:

Okay. Did the County Executive •• as you know, in times past, the County Executive has at times placed names of Legislators as cosponsors. Did he reach out to ••

LEG. ALDEN:

No, he didn't. As a matter of fact, it went the other way. When I saw this, I called up and he said, "Oh, no, no, that's not something that you had anything to do with." When I sent the resolution that I did for the planning steps and the other work that I've done over to the County Executive, I didn't get a response from him, so I was very, very surprised to see this, and there was another resolution similar to this on the agenda.

LEG. FOLEY:

Just through the Chair, I know Mr. Zwirn isn't present. I know we've had this discussion before, Legislator Caracciolo. I know we've had a couple of resolutions that were temporarily tabled out at Riverhead until the County Executive's resolutions were amended to reflect cosponsorship among the Legislators who were interested in those particular acquisitions. Now we're in a situation where we have competing resolutions. I'd like to speak with •• have Mr. Zwirn appear before us just to speak on this particular point, Mr. Chairman.

LEG. ALDEN:

Well, I think it would establish a very bad precedent if •• you know, if we start going around Legislators that have done a lot of work on things and just ••

LEG. FOLEY:

I understand. That's why ••

LEG. ALDEN:

You know, if that's what we want to go outside of, then fine.

LEG. FOLEY:

Yeah.

LEG. ALDEN:

But, you know, otherwise, I say table this one, we'll get to mine, and then we can approve it, if you want to approve it. If you don't, then vote against it.

LEG. FOLEY:

I think we do want to approve it. The point I'm raising, just through the Chair, if I may, is I think the best of all worlds is if there was cosponsorship among, not only the Executive, but also with the Legislator in question.

LEG. ALDEN:

County Executive could cosponsor my resolution, it's perfectly all right.

P.O. CARACAPPA:

One person at a time, please.

LEG. FOLEY:

Thank you.

P.O. CARACAPPA:

There's a motion to table 2264.

LEG. CARACCILO:

Mr. Chairman.

P.O. CARACAPPA:

Oh, Legislator Caracciolo.

LEG. CARACCILO:

Thank you.

P.O. CARACAPPA:

My apologies.

LEG. CARACCILO:

This is analogous to a resolution that Mr. Lindsay just late last year had to circulate and discharge by petition, because the County Executive, in his zeal to pronounce that he's the champion of the environment, sponsored a resolution in his district when Mr. Lindsay himself had been working on that acquisition for some time as well. This has to stop. This is childish. Mr. Levy was a former County Legislator. He knows the protocol, and he should just follow the protocol and let's put an end to this foolishness.

P.O. CARACAPPA:

Thank you. When this arose, I did look into see who had put the bill forward first, and it was indeed Legislator Alden, so I'm going to support the tabling motion and support Legislator Alden's bill, just as I would for any other one of my colleagues who had this happen to them, just ••

LEG. TONNA:

On ••

P.O. CARACAPPA:

Hold on, I have the floor. Just as we did for Legislator Lindsay, we're ready to for Legislator Lindsay. Legislator Tonna.

LEG. TONNA:

On the motion. I just •• you've done the analysis, or whatever else. Are the bills markedly different or anything?

P.O. CARACAPPA:

Not at all.

LEG. TONNA:

No. So, I think, in general, this Legislature should send a message that, you know, that •• and

I think whether it be through, you know, the Majority Leader, Minority Leader, whatever else, that this is just ridiculous.

LEG. CARACCILO:

It is.

LEG. TONNA:

And it's •• you know, I think it takes away from the merits of and the work of Legislators. If we think that every time that there's going to be something •• and it goes both ways, by the way. You know, I was •• I was very critical when I felt that if there was an initiative by the County Executive and people were trying to blow it up so that they could take credit for it, I think it goes both ways, although it's been a very, long time that I could even remember anything like that. On the other hand, I think as a body, a Legislature, we really do have to stand up for each other. Whether, you know •• whether you want to vote for the bill on the merits or not, the fact is is that, you know, when the Legislator is doing work, when the Legislator is doing work in his own district, and if a County Executive says that's a good initiative, they should be communicating with the Legislator.

LEG. FOLEY:

Of course, of course.

LEG. TONNA:

On the other hand, also, if you're the County Executive, before you put forward a bill, although I saw a very nice memo about the redistricting one, maybe that's because he was looking for cosponsors, but, you know, if you're putting something together in somebody else's district, you know, you should consult the Legislator and say, "Are you working on this? What have you done on this? Can we work together on this?" And then, if you can't, you part your ways, that's the balance of power.

So, I would also support the tabling motion, specifically based on the information of the Presiding Officer, that he can verify that one Legislator was, in fact •• there's no appreciable difference between the bills, and one Legislator was doing this first. I think that we should stand for each other, whether a Democrat, Republican or whatever else. And I would ask my Republican colleagues to remember that also when there's a democratic initiative.

LEG. CARACCILO:

He did.

LEG. TONNA:

You know, yeah, absolutely, and we continue that both ways. Thank you.

P.O. CARACAPPA:

Thank you. Anyone else?

LEG. FOLEY:

Mr. Chairman.

LEG. O'LEARY:

Through the Chair.

LEG. FOLEY:

Mr. Chairman.

P.O. CARACAPPA:

Legislator O'Leary, then Foley.

LEG. O'LEARY:

Yeah. I just want to remind Legislator Tonna that we, in fact, did support a democratic initiative with respect to planning steps. And I think ••

LEG. TONNA:

Well, that's Legislator Lindsay. But if it might be another Democratic Legislator, that's what I'm saying, you know.

LEG. O'LEARY:

You mean a pseudo•Democrat.

LEG. TONNA:

You understand the subtlety.

LEG. O'LEARY:

Oh, you're talking about a pseudo•Democrat.

LEG. TONNA:

No, no, no, no •• I've never been a, you know •• no.

LEG. O'LEARY:

Right. Well ••

LEG. TONNA:

No such thing.

P.O. CARACAPPA:

Legislator Foley.

LEG. O'LEARY:

We'll stop bantering. I'm not quite finished.

LEG. TONNA:

I'm a real moderate Republican.

LEG. O'LEARY:

I'm not quite finished, Mr. Chair, but I just want to reinforce what we're saying here, and basically what we're saying, when a Legislator takes the steps to •• for an initiative in a planning steps resolution and that goes through the process, I think very clearly what should go back to the County Executive's Office is that when it comes to the acquisition process, that the Legislator who initiated the entire process should be the sponsor of the particular acquisition. That's the message, and I hope it gets sent back to the County Executive's Office.

P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. I see Mr. Zwirn at the podium. The question that I'd like to ask

through the Chair, Mr. Zwirn, you heard my comments earlier, one of the concerns that I had about this process was the fact that there were earlier resolutions where the County Executive did sponsor acquisitions. It's my understanding that the authorization of acquisitions has routinely been done by County Executives in the past. The question that I raised to you and raised before in Riverhead was the need for the County Executive to reach out to the Legislator in whose district a particular land acquisition is occurring to make it a cosponsored bill as opposed to the County Executive doing the bill as a solitary sponsor. Can you just lend some light to that, respond to some of the good questions and opinions that have been raised here this morning by some of my colleagues?

D.P.O. CARPENTER:

Mr. Zwirn.

MR. ZWIRN:

Thank you. I would agree, and I think the County Executive would agree with what Legislator Foley has just stated, I think, you know, the lines of communication, if they failed in this case or in others. The County Executive enjoys and welcomes a cosponsor on these bills. My understanding, though, that historically, as Legislator Foley has said, it has gone through the Real Estate Department, through Planning through the County Executive's staff, and that's how these bills had been generated and come before the Legislature in the past. And I know we've had this conversation. I've had the conversation with County Executive Levy and he said that's how it was done on bills that were in his district as well historically, so that he hadn't done anything different than had been done in the past. And if that's not so, then I'll bring that information back. But that was my understanding after my conversation with him after we discussed this very issue.

I apologize for not being here earlier. I was listening inside, but the speakers went off because there's a press conference outside, so I didn't hear everything that preceded in this debate.

D.P.O. CARPENTER:

Thank you.

LEG. FOLEY:

Just if I may have a follow•up.

D.P.O. CARPENTER:

Legislator Foley, and then Legislator O'Leary.

LEG. FOLEY:

Yeah, okay. The point raised by Legislator Alden, he did initiate the planning steps resolution, showed an interest in his district for a particular parcel. The resolution that the County Executive has sponsored only has his name on it; correct?

MR. ZWIRN:

That's correct.

LEG. FOLEY:

And Legislator Alden has his own resolution on this particular subject matter. Moving forward, how would you propose to try to meet the concerns raised by Legislators who have shown an initiative in acquiring properties within their district?

MR. ZWIRN:

Well, in this particular case, you know, the folks up here can do whatever you like, but I'd just add Legislator Alden as a cosponsor and just vote on the bill up or down, it's the same bill, and get the process going. Ultimately, the entire County government is going to get credit for the good things that you do and for the things that don't go right. So, I know this is not unimportant, but if we can try to facilitate it, so if I could do what I can to try to make it •• I know we did have conversations, I believe, on this one.

LEG. ALDEN:

And others.

MR. ZWIRN:

You know, and others. And, you know, we're available to try to work this out. And, as I say, the County Executive would love to have cosponsors, as many as possible, on all the legislation that he sends over here.

LEG. FOLEY:

Madam Chair, if I just may finish one final point. I think the point is well taken, that it goes ••

once we approve the planning steps, it goes through the Executive Branch with the appraisals and review, and once those appraisals and reviews are in place, then administratively it goes to the Executive's Office to develop the resolution. I would request that prior to the submission of that particular resolution as part of our index of bills, that you should, as a matter of course, reach out to the Legislator, so you both go on as cosponsors. It's not so much one is a lead and then one is secondary, but you're both cosponsors of the bill. Now, to the general public, they may think that this is a minor point, but it actually is a major one, because there are important initiatives that many Legislators and the County Executive have taken great interest in.

So, what I would say is as you go through the Executive Branch of developing the resolution, to keep the local Legislator informed, not just of the end product, but where it stands throughout the process. And then once there is •• once all the appraisals are in and there is the ability to purchase the property, then it should seriously be or sincerely be a cosponsored resolution, not wait until it's put on the table and then the Legislator after the fact comes on as a cosponsor, or vice versa. The Executive is going through the effort of using the departments at his command to move forward with the acquisition of these resolutions, and I think it should be cosponsored resolution by the County Executive and by the local Legislator, but that could only happen if on the Executive side, as it winds its way through the different bureaucracies, that you apprise the local Legislator of where things stand, and I think that way you're going to create a lot more confidence in the process, and I also think you're going to have more bipartisan support for the resolutions.

When we •• just, finally, when we made the changes to the Eberhard•Hanley resolution, to the Zeh resolution and others where Legislator Caracciolo's name was placed on there, Legislator Losquadro, as well as O'Leary and myself, then we're able to move forward with the resolution. What I'm saying is let's have cosponsorship at the very beginning of the process. We shouldn't freeze out the Legislator, nor should we freeze out the County Executive, because it does take both houses, so to speak, to move forward with a common agenda. So, let's •• this is not rocket science, it should be very easily remedied by having a sincere effort on the part of those in the administration and in the Legislature to do these things together. But you have to keep the Legislator apprised in that particular district of where things are with the resolution that we've approved the planning steps for. Thank you.

MR. ZWIRN:

If I can just ask ••

P.O. CARACAPPA:

Legislator O'Leary.

MR. ZWIRN:

Oh, I just have one question.

P.O. CARACAPPA:

Legislator O'Leary.

LEG. O'LEARY:

Thank you, Mr. Chair. I agree with my colleague, Legislator Foley, with respect to the process. However, I think it should be reversed a little bit. If it's the Legislator who makes the initiative, submitting planning steps resolution, and the Executive Offices do go through the process of appraisals and finally put together an acquisition, I think at that point in time, the Legislator who initiated the process should be contacted by Real Estate and/or by the Executive's Office for purpose of sponsoring a resolution to purchase those properties. I think that's the issue here. That hasn't been happening in the past.

As Legislator Foley eluded to, clearly, it was the practice that the Executive submitted the acquisition proposal of the parcel of land or acreage, but in the event that has occurred, in the events that have occurred most recently, the Legislator who initiated the process has been taken out of the loop, and as a result of that we're here today with conflicting resolutions. Now, That can be avoided simply by maintaining contact and communication with the Legislator who initiates the process. And I would strongly recommend, as Legislator Foley has, to keep that Legislator in the loop, and when it comes to the point in time when an acquisition proposal is going to be brought forth, certainly, the Legislator who initiated should be at the forefront working together with the County Executive's Office. Thank you.

MR. ZWIRN:

Mr. Presiding Officer, may I ask just one question?

P.O. CARACAPPA:

To who?

MR. ZWIRN:

To the Chair, to yourself.

P.O. CARACAPPA:

Go ahead.

MR. ZWIRN:

I take the comments from Legislator O'Leary and Legislator Foley within the spirit that they were given, which is in a •• to work cooperatively, and I appreciate that, and I will bring that message back to the County Executive. I just have one question, is that, and you don't have to answer it right now, but is this the way it has been done in the past, because I certainly am new, and that's the way ••

LEG. COOPER:

Yes.

MR. ZWIRN:

Legislator Cooper said that's the way its been done in the past, it would be a ••

P.O. CARACAPPA:

Yes, that's the way it's been done in the past. Though the County Executive at times would do the resolution, prepare the resolution for acquisition, it would always be in conjunction and in cooperation with the Legislator that initiated the process.

D.P.O. CARPENTER:

May I.

P.O. CARACAPPA:

Legislator Carpenter.

D.P.O. CARPENTER:

Just to speak to the question directly, my experience was, and I'll talk about one specific acquisition, was Sagtikos Manor. It was something that I had initiated, called the Division of Real Estate, let the County Executive know what was going on, and worked on the resolution. It was a resolution that I sponsored with cosponsors from the Legislature and the County Executive. It was not a pro forma that all acquisitions are done by the County Executive.

MR. ZWIRN:

Thank you.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCILOLO:

Thank you. Ben, you and I have had this conversation before with respect to your question. And it hasn't been, you know, cookie cutter, if you will, process. When you look at what transpired in the last 18 months, first with the reforms passed by the Legislature, and Mr. Levy was still a Legislator in Albany, things have changed. So, maybe Steve is not acknowledging those changes, but those changes took place while he was in another position. We now have a very clear•cut process, and I don't want to bore everybody with the details. We know we have an ATRB now, and before it comes to a Legislative committee, which is almost a pro forma act now for approvals, you start with planning steps resolutions, unless something came off the master list.

The master list is not Mr. Levy's list. That list began five years ago when I sat in this auditorium with environmental organizations and put together what is now contained in the master list, over 90% of its contents. It took five years for the previous administration to actually consummate that list.

So, in terms of planning steps resolutions, and master list resolutions, there's no authorship by the Executive on the master list. That pre•dates his existence as the County Executive. And I want to make that clear, because he's going around telling everybody that in the last 12 months we have purchased a thousand more acres of land. Well, that's not true. We have not closed on a thousand acres. We have not closed as of today on the Detmer Farm, which came before this Legislature last March through a CN.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

But we don't tell that story.

P.O. CARACAPPA:

Just keep it towards maybe Legislator Alden's bill.

LEG. CARACCIOLO:

Okay. So, let me just reiterate and say that let's stop this pride of authorship nonsense. And when someone like Mr. Alden sponsors a planning steps resolution and now we've reached the point through operation of government where the Executive Branch has that responsibility, not Mr. Alden, and it's time to submit the acquisition resolution, Mr. Alden gets a phone call, Mr. Lindsay gets a phone call, Mr. Foley gets a phone call, and they sponsor that resolution. And as was said earlier, if the County Executive wants to cosponsor it, he can.

P.O. CARACAPPA:

Legislator Cooper •• I mean, Nowick, then Cooper.

LEG. NOWICK:

Yeah. Forgive me, Legislator Foley, but somewhere along the line as you were speaking I lost track of whether or not •• just one word, though. Are you supporting the tabling motion or not?

LEG. FOLEY:

I've made ••

LEG. NOWICK:

I wasn't sure along the line.

LEG. FOLEY:

Yeah. I made the motion to approve. I'm going to stay with that motion to approve.

LEG. NOWICK:

Okay.

LEG. FOLEY:

I'm going to ••

LEG. NOWICK:

No, I just wanted to know, because ••

LEG. FOLEY:

I'm going to be consistent with that. However, I think we've laid out a road map that could be utilized for the future.

LEG. NOWICK:

All right. I just wanted to know because I lost track. That's okay.

LEG. FOLEY:

I'm going to •• I'm going to stay with the motion.

LEG. NOWICK:

All right.

LEG. FOLEY:

But I think I've also laid out a road map that all of us could follow in the future.

LEG. NOWICK:

I understand that. All right. I just wanted to find out the answer to that. I do think that this should be a no•brainer rather than laying out road maps and going into dissertations. This was Legislator Alden's resolution. Let's table this, let's vote on the next one, and let's just get it done. It's just wrong not to table this ••

P.O. CARACAPPA:

Legislator ••

LEG. NOWICK:

•• in this case.

P.O. CARACAPPA:

I'm sorry. Legislator Cooper.

LEG. COOPER:

Legislator O'Leary and Caracciolo already said much of what I was going to say, but I'm working on the assumption that this is really due largely to a misunderstanding. My first five years in office I think I sponsored four or five planning steps resolutions, all which ultimately led to an acquisition, and in every case the acquisition resolution was sponsored by me. In some cases it was cosponsored by the County Executive, but they were all my resolution. And I think in one or two cases we ended up doing a joint press conference, me and County Executive Gaffney, after the closing. So it was a joint effort and I was more than pleased to share the limelight. But in some cases I did a tremendous amount of legwork, of community meetings and public outreach, and work at the Legislature, and put my blood, sweat and tears into achieving passage of a bill, and I would be rightfully upset, rightfully upset or outraged if someone else tried to take credit for something that was really my baby and was done at my instigation.

So, clearly, I have decided to support the tabling motion of the County Exec's bill, and I would hope that he would choose to cosponsor Legislator Alden's bill. And I think that if any of us, you know, before we vote, if we just think of how we would feel if this happened to us on an initiative in our district, I think our vote would be clear.

LEG. ALDEN:

Thank you.

P.O. CARACAPPA:

Thank you, Legislator Cooper. Finally, Legislator Foley.

LEG. FOLEY:

No.

P.O. CARACAPPA:

Good? Okay. There's a motion and a second to table •• oh, Legislator Bishop.

LEG. BISHOP:

I was asking to be recognized.

P.O. CARACAPPA:

Go ahead.

LEG. BISHOP:

Did anybody •• I didn't, but has anybody gone back to the Halpin, Gaffney years and seen whether the actual purchases were sponsored by the ••

LEG. ALDEN:

Jon just did, he just testified so that it was sponsored by him.

LEG. BISHOP:

He said some of them were.

LEG. FOLEY:

Some of them. Through the Chair, since the question has been asked through the Chair, if I may answer the question. The great majority were, in fact, submitted by •• the author of the bill was the County Executive, it wasn't the Legislator.

LEG. BISHOP:

Right. And the administrations do do, whether it's, you know ••

LEG. FOLEY:

However, we have •• however, I think we've developed a framework from which it would be done differently in the future. But the history of it has been predominantly the ••

LEG. BISHOP:

Right.

LEG. FOLEY:

•• County Executive has been the sponsor.

LEG. BISHOP:

Right. And the reason I'm speaking to that is not to get •• not to impact •• well, it is to impact. It's to diffuse the notion that the County Executive is seeking to steal the glory from the Legislator. It's been the practice of the Executive Branch for decades, no matter who the Executive is, because Real Estate does do a lot of work on these bills. You know, there are people that work hard, they have to do negotiations, they have to prepare the contracts, they have to do all the work that sets the stage for that in the administrative branch. So, they •• it naturally comes out of there. If a •• you know, so, obviously, everything that's been said, there should be better communication, it's petty, it's stupid to have this fight and so on, you know, I understand all that. And I do want Legislators and Executive to share the land and the glory.

P.O. CARACAPPA:

Okay. As I stated earlier, it's always been done where the Legislator puts forward the planning steps for the most part, the County Executive does do the leg work through the Department of Real Estate and Planning, they prepare the resolution, but in conjunction with the sponsor of the planning steps. That's where the failure is happening now. There isn't that feedback back to the original sponsor, it's just being taken and then put forward without the original planning steps sponsor being contacted, and that's what it is. Legislator Tonna.

LEG. TONNA:

Alden had a bill in. Did the County Executive talk to you about anything? Did he call you and say, "By the way, could we piggy•back this together, could we do this, can we do it." No, right?

LEG. ALDEN:

No.

LEG. TONNA:

All right. So, that's my point. Lets cut all •• you know, all the BS. The fact is is that there's no communication. The guy's in his district, he's already been working on a project. It's rude, okay, and it doesn't lend to proper functioning of government.

P.O. CARACAPPA:

Legislator Mystal, then Bishop. Legislator Mystal. Go ahead, Elie.

LEG. MYSTAL:

I'm waiting.

P.O. CARACAPPA:

Go ahead.

LEG. BISHOP:

You're waiting for me?

LEG. MYSTAL:

Hell, yeah, I'm waiting for you.

LEG. BISHOP:

You were just having a conversation with Warren when I made a speech.

LEG. MYSTAL:

Good morning, Henry.

MR. BARTON:

Good morning.

LEG. MYSTAL:

In my years around here, I've seen a fair amount of thievery, both from the County Executive, both from the Republican and from the Democrat, we are always stealing each other bill. So, please, folks, let's cut the BS, shut your mouth, vote this damn thing one way or the other and let's move on. I got a life.

P.O. CARACAPPA:

I couldn't have said it better, Legislator Mystal. I appreciate you saying it for me. Here we go. There's a motion and a second to table. All in favor?

LEG. BISHOP:

What happened to the list?

P.O. CARACAPPA:

The list?

LEG. BISHOP:

That's okay. I was going to debate whether Elie has a life or not.

P.O. CARACAPPA:

Uh•huh. All in favor? That bill's coming up later. All in favor? Opposed? Abstentions to tabling?

LEG. BISHOP:

What's your vote, Brian?

LEG. FOLEY:

Opposed to it.

LEG. BISHOP:

I'm opposed.

P.O. CARACAPPA:

Two oppositions. It's tabled.

MR. BARTON:

14.

P.O. CARACAPPA:

How about that? **2280 (Amending the 2005 Operating Budget to strike \$118,471,018 in excess 2005 retirement appropriations).** Motion by Legislator Binder, second by Legislator ••

LEG. FOLEY:

Motion to ••

P.O. CARACAPPA:

•• Caracciolo.

LEG. FOLEY:

Motion to approve?

P.O. CARACAPPA:

2280.

LEG. FOLEY:

To approve?

P.O. CARACAPPA:

Yeah, to approve.

LEG. CARACCIOLO:

On the motion, Mr. Chairman.

LEG. FOLEY:

Explanation.

LEG. CARACCIOLO:

Exactly.

P.O. CARACAPPA:

Yes.

LEG. CARACCIOLO:

Jim, just summarize what the resolution does.

MR. SPERO:

The bill would summarize more than 118 million dollars in retirement appropriations that were included in the 2005 Operating Budget. If you recall at the time we were adopting the budget,

the plan was to pay the retirement bill February 1st of '05. It subsequently came to light that the County could save over 1.1 million dollars in retirement expenses if we had paid the bill on December 15th. The Legislature took the action to do that. The bill was paid on December 15th, as required. The County achieved the savings, so now the budget is overfunded by 118 million dollars ••

LEG. CARACCILO:

So unless there's action ••

MR. SPERO:

•• because there is no tax revenue backing ••

LEG. CARACCILO:

Correct. And so, unless this action is taken ••

MR. SPERO:

•• two retirement bills.

LEG. CARACCILO:

•• the budget contains 118 million additional dollars.

MR. SPERO:

Unfunded appropriations.

LEG. CARACCILO:

Right. Okay.

P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

Is this considered more of a housekeeping measure? Is it a ••

P.O. CARACAPPA:d

More like a technical correction.

LEG. FOLEY:

Is it a correction?

MR. SPERO:

Yeah. Had we done this during the adoption process, we would have increased the '04 estimated budget for the retirement expense and taken out the '05 appropriations. So, now this bill completes the second step by removing the '05 appropriations.

LEG. FOLEY:

Just another question, if I may, through Chair.

P.O. CARACAPPA:

Sure.

LEG. FOLEY:

Certainly, we spoke with the County Executive's Budget Office about the resolution; correct?

MR. SPERO:

Yeah, we had them review the resolution when we were preparing it.

LEG. FOLEY:

All right. What was their view of this •• they're in agreement with the ••

MR. SPERO:

They're in agreement with striking the appropriations.

LEG. FOLEY:

They're in agreement with the Binder resolution?

MR. SPERO:

Yes.

LEG. FOLEY:

Correct?

MR. SPERO:

Yes.

LEG. FOLEY:

Okay. Thank you.

P.O. CARACAPPA:

Legislator Binder.

LEG. BINDER:

Basically, if we don't pass this today, everyone will have 118 million dollars to go after just to put into different things, and I don't think we want to leave that out there. So, my suggestion is we should probably pass this and get it done quickly.

P.O. CARACAPPA:

That's a lot of pork.

LEG. BINDER:

Quickly, before anyone notices.

P.O. CARACAPPA:

Okay. There's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Okay. 0009•05. First •• actually, **Resolution 1084** is before you. These are the town papers that we •• yeah. This is amending Resolution Number 10 that we did at the Organizational Meeting, which are the Town papers. We want to make a slight change. What it does is instead of the Brookhaven Review having half the year for the Brookhaven paper, it will be solely the South Shore Press for the entire year.

LEG. BISHOP:

Are these papers sufficiently Republican?

LEG. TONNA:

Ask Pete McGowan.

P.O. CARACAPPA:

I couldn't answer that.

LEG. TONNA:

Ask Pete McGowan on that.

P.O. CARACAPPA:

Okay. So, there's a motion on the amending resolution, 1084, by myself, second by Legislator O'Leary. All in favor? Opposed? Abstentions? Now, resolution ••

MR. BARTON:

18.

P.O. CARACAPPA:

•• Number, 9, which is on tabled resolutions. This is the one we skipped over, tabled the last meeting. This is ***designating two alternating newspapers as one of the official newspapers of the County of Suffolk.***

LEG. O'LEARY:

Motion to approve.

P.O. CARACAPPA:

Motion by Legislator O'Leary, second by myself. These papers are the Smithtown Messenger for one half of the year, and the Long Island Advance for the second half of the year. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

INTRODUCTORY RESOLUTIONS FOR THE JANUARY 25, 2005
MEETING OF THE SUFFOLK COUNTY LEGISLATURE
BUDGET AND FINANCE

P.O. CARACAPPA:

Intro Resos. Budget and Finance. ***(2315 • To readjust, compromise, and grant refunds and charge •backs on real property correction of errors by: County Legislature (Control #728•2004).*** Motion by Legislator Caracciolo, second by Legislator Binder. All in favor? Opposed? Abstention? That's on 2315.

MR. BARTON:

18.

ECONOMIC DEVELOPMENT, HIGHER EDUCATION AND ENERGY

P.O. CARACAPPA:

Economic Development, Higher Education and Energy. ***2220 (Amending the 2005 County Operating Budget and 2004•2005 Community College Operating Budget transferring funds from the General Reserve Fund for Suffolk Community College Downtown Center, Sayville).*** Motion by Legislator Lindsay.

LEG. O'LEARY:

Second.

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

Second by Legislator Carpenter and O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2310 (Approving the appointment of Robert A. Beuka, Ph.D. as a member of the Suffolk County Motion Picture/Television Film Commission). Motion by Legislator Schneiderman, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2311 (Approving the appointment of Lenny Stucker as a member of the Suffolk County Motion Picture/Television Film Commission). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

2312 (Approving the reappointment of Bart Pellegrino as a member of the Suffolk County Motion Picture/Television Film Commission). Motion by Legislator Carpenter, second by Legislator Alden. All in favor? Opposed? Abstentions.

MR. BARTON:

18.

P.O. CARACAPPA:

Procedural Motion Number 5 (Procedural Motion Number 1•05) • Procedural Motion to retain consultant for the purpose of conducting a study of the risk and benefit comparative analysis of a proposed Liquid Natural Gas Project in the Long Island Sound.

LEG. CARACCILOLO:

Motion to approve, Mr. Chairman.

P.O. CARACAPPA:

Motion by Legislator Caracciolo, second by Legislator Schneiderman.

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Alden, then Viloría•Fisher.

LEG. ALDEN:

To the sponsor, how much are you approving?

LEG. CARACCIOLO:

Twenty•five thousand dollars.

LEG. ALDEN:

Good.

LEG. CARACCIOLO:

Out of the ••

P.O. CARACAPPA:

456 Account.

LEG. CARACCIOLO:

Right.

P.O. CARACAPPA:

Legislator Viloría•Fisher, that was the question?

LEG. VILORIA•FISHER:

That was my question.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

Yeah. I see Counsel at the microphone. Did she have a comment on this; No, no?

MS. BIZZARRO:

Not on this bill.

LEG. LINDSAY:

No? Oh, good.

MS. BIZZARRO:

I'm on 2039. I apologize.

LEG. FOLEY:

Mr. Chairman.

P.O. CARACAPPA:

Ms. Bizzarro, just so you •• because my head's usually down, just shout out if you want to speak on a bill to get my attention, so I don't ••

MS. BIZZARRO:

Yes, absolutely.

P.O. CARACAPPA:

It's no disrespect.

MS. BIZZARRO:

No.

P.O. CARACAPPA:

Legislator Alden, you asked. Legislator Foley.

LEG. FOLEY:

Yeah, thank you. Legislator Caracciolo, the time frame which you want to develop a study, by when?

LEG. CARACCILOLO:

Counsel, refresh my memory, did we put a time limit in the bill •• in the motion?

LEG. FOLEY:

And the only reason I'm asking is that, obviously, there's a time frame within which with •• for FERC and for any State regulatory ••

LEG. CARACCILOLO:

Ten •• well, six years. We've got plenty of time. That's the •• we're fortunate in that respect. This is a project that's just been announced, would not be built or put in place until at least 2010. We did not. But it would be my hope that when this goes to committee, that perhaps we could implore that this consultant study be done within, I would say, 60 to 90 days. I don't see any reason to ••

LEG. FOLEY:

This isn't in the committee, this is on the floor.

LEG. VILORIA • FISHER:

This is on the floor.

LEG. FOLEY:

This is on the floor. Do we want to put this in committee, Mr. Chairman, or do we want to vote on it ••

P.O. CARACAPPA:

This is a procedural motion. It has the right to go straight to the agenda.

LEG. CARACCILOLO:

If it goes to committee, you'll select the consultant.

P.O. CARACAPPA:

Right.

LEG. CARACCILOLO:

Yeah.

LEG. FOLEY:

Counsel's •• while Counsel's looking for that answer, Mr. Chairman ••

P.O. CARACAPPA:

There's no •• there's no time frame in the bill.

LEG. FOLEY:

There's no time frame.

LEG. CARACCILO:

No. That's why I made reference to committee, Brian.

LEG. FOLEY:

Are there any imminent or urgent •• any imminent dates, be it at State or Federal levels, that we need to have some representation in?

LEG. CARACCILO:

Not that I'm aware of. I met as recently as yesterday with Congressman Bishop, and it's my understanding Senator LaValle will be coming out within the next day in opposition to this project. And I am very much myself opposed to it. But, that said, I think, if this •• if this project goes forward, we need to be armed with information as to what dangers lie within this proposal as it relates to public health and safety.

It's being promoted as a project that's going to be nine miles off shore, and, therefore, if there was a mishap, even the worst type imaginable, that it could not and would not impact the surrounding communities. I don't believe that. I say that because there was a national lab report that has a confidential component and a nonconfidential component. In the nonconfidential component, they only release results on a total complete breach of a cargo ship carrying some 30 million gallons of liquified natural gas. This facility would contain 8.1 billion cubic feet. It's a floating storage facility.

And I think all of our worst fears after 9/11 have to take into account that if some entity were successful in causing that entire storage facility to become engulfed and compromised, how far

beyond that one-mile perimeter that a 30 million gallon •• a 30 million cubic foot •• feet of liquified natural gas facility could impact human life? It's indicated in that case one mile, and it would seem to me that when you're talking about the quantity of fuel here, it possibly could reach land. And I think we have to find out definitively if that's the case and what the •• what the issues could be. I've already discussed with our new Commissioner of FRES, and we'll be meeting with him on February 2nd, to internally examine what type of response we're prepared to make in the event of a mishap, even small or large.

So, there are a lot of unanswered questions that we need expertise, and I think once we're armed with that information, if it became necessary, we may want to become an intervenor in the FERC hearings, as well as perhaps even legal action in opposition to this proposal.

LEG. FOLEY:

Mr. Chairman, I'd like to reclaim my time, if I may.

P.O. CARACAPPA:

Did you ever have it?

LEG. FOLEY:

I had it. I was asking him a question and he took the occasion to go ••

P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

To go on. Thank you. Those of us who are opposed to this from the standpoint that it also would introduce the commercialization of the Sound, are you concerned •• bless you. Are you concerned that by adopting a motion such as this, which will state the risks and benefits, risks and benefits, are we sending a mixed message to the public about our position on the issue, particularly from the standpoint of •• just on the face of it, many of us are very concerned about, as I mentioned, the industrialization, the commercialization of the Sound and what it would mean for the future of that particular body of water. So, do you have any concern, Legislator Caracciolo, that this kind of motion would send a mixed message as to where we stand on the issue?

LEG. CARACCILO:

I can't react to messages. You know, everything we say can be interpreted one way or the other. I made my position clear. I believe Congressman Bishop is going to make his position clear very shortly, I believe Senator LaValle will as well, and that will cover everyone from every level of government in Suffolk County, town through federal level, in opposition. Now, we have not heard from our U.S. Senators, and I will be reaching out to both of them, because they can put the weight of their offices behind this matter in opposition, and the sooner they do it, the better we all will be.

P.O. CARACAPPA:

Okay. Before we go to Legislator Cooper, I think it's our responsibility, whether we support this initiative or not, and I think most of us oppose it at this point in time, we should arm ourselves with facts, regardless if we like the facts or dislike the facts. That's our job, and this Legislature's always done that on every issue. This doesn't say that we're supporting it, it says that we're doing our job and looking at the proposal. To go out there and blanketly oppose or approve of something without the facts, it means we're doing a disservice to the public, regardless of your personal position on it. Legislator Cooper.

LEG. COOPER:

I plan on abstaining on the Procedural Motion, because I •• the information that I have been able to obtain, and discussions I've had with groups like Citizens Campaign and other groups, and research I've done. And there was a very detailed article in this week's issue of Long Island Press. If no one's picked that up, you should, it's very informative. But it •• there are so many red flags that were raised with this proposal. We passed a Sense Resolution unanimously opposing the dumping of dredge spoils in the Sound and we didn't wait for fact •finding in that case, because, clearly, from our point of view, the potential risks outweighed any benefits.

In this case, there are so many potential environmental risks, so many potential health risks, forget about this twelve hundred foot long gas terminal anchored just a couple miles off our shore being a potential terrorist target, which is exacerbated by the fact that the firm that's been hired to do security is who? Giuliani and Partners. Even though, what's his name, Kerick, isn't there anymore, it doesn't do much to raise my level of confidence.

Environmental groups have already come out vehemently, unanimously in opposition to this. Health groups have come out in opposition. The only ones that have come out in support are a couple of ex•elected officials that have been hired by •• to do P.R. for the firm, so ••

LEG. MYSTAL:

Who's that?

LEG. COOPER:

I won't mention names.

LEG. TONNA:

Gaffney. Gaffney's heading this whole thing.

LEG. BISHOP:

Oh, really?

LEG. TONNA:

Yeah.

LEG. COOPER:

So, I really think that we do have enough information at this point. And I actually filed a Sense Resolution today laid on •• a Sense Resolution today that comes out and expresses the opposition, would express the opposition of the Legislature, to what I consider this very ill •conceived proposal.

So, my only concern is, basically, wasting \$25,000 on a study that I think, at least based on the information that I've seen so far, I know what the answer's going to be. The potential risks are so far outweighed by •• I'm sorry. The potential benefits are so far outweighed by the potential risks. I think that it's our duty and obligation to send the strongest possible message right now, before this gets any traction, and they are hiring some high powered names to push for this, and it's almost like David taking on Goliath. This is a major, major corporation with major funds behind them. And I think that it's our obligation early on to come out in opposition to this.

So, in any case, I'll be abstaining on the Procedural Motion, and I would call upon the Legislature to support the Sense Resolution expressing our firm opposition to this proposal. Thank you.

LEG. MYSTAL:

In the word of Chuck Colson, "Let them freeze in the dark."

P.O. CARACAPPA:

Okay. Legislator Losquadro.

LEG. LOSQUADRO:

Wow. Thank you, Elie. Obviously, the sentiment is •• in opposition is shared by many around this Legislature. As many of you know, I have come out in strong opposition to this publicly, in the local newspapers. I have made my position known. Much of this information, as with many other projects, such as another very high powered company last year wanting to site an incinerator project up in a similar area, the information is commercially available, if you're willing to do the research yourself. So, you know, we are armed with the facts.

I will not oppose going ahead and getting more facts on this. I think, you know, an extra case of ammunition will certainly help us in our opposition to this. But, that being said, as I said, I will be supporting this, but I just want to make my position known. And, Legislator Cooper, I will be walking around the horseshoe to discuss this resolution with you, so thank you.

LEG. SCHNEIDERMAN:

Joe.

P.O. CARACAPPA:

There's a very long list. O'Leary, then Schneiderman. Nowick, Lindsay, Foley, and that's just a third of the list.

LEG. BISHOP:

Bishop's law, there's nothing on the agenda.

P.O. CARACAPPA:

Yep.

LEG. NOWICK:

Yeah, right.

P.O. CARACAPPA:

I said it earlier, too.

LEG. VILORIA • FISHER:

Didn't I tell you, Dave?

P.O. CARACAPPA:

Okay.

LEG. NOWICK:

In relation to Judge •• Judge, Legislator Caracciolo's legislation, you know, I will be cosponsoring that. I do feel that, as Legislators, it is our job to research all of the facts. We are not environmental engineers, we are not experts in energy, we really don't know the facts. It is our job to •• for \$25,000, to find out what the effects of this are to us.

And just for the record, on February 9th, Broadwater is coming to the Economic Development and Energy Committee. So, if anybody is really interested in hearing the other side, Broadwater will be there on February 9th, and it's our job to find out both sides. And in one way, I agree with you, Legislator Cooper, about big companies with a lot of money. However, I think 18 lawmakers trump big companies with money.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

I am in support of Legislator Caracciolo's Procedural Motion, not that I have an opinion about the project. I want to see more, I want to hear more. And some of the things that I would like the consultants to go into is the future energy needs of our residents, which makes our homes warm and our industry hum. The effects of not building this will •• for one thing, will it expand

the natural gas storage facility that's now in Holtsville, which is a huge facility that borders on my district and Legislator Caracappa's and Foley's. And, you know, what is the future plan for energy in Suffolk County? And I'd like to get all the answers before we go forward condemning the project, and I will be very supportive of this Procedural Motion.

P.O. CARACAPPA:

Legislator Binder, then Bishop, then Schneiderman.

LEG. BINDER:

Mr. Chairman, again, insightful words from Legislator Lindsay. I don't know if he meant that he's going to definitely go ahead with opposing, but I think you •• what he's saying, basically, is we need information.

LEG. LINDSAY:

I'm supporting the Procedural Motion.

LEG. BINDER:

And to understand, because the impact could be on storage facilities that currently exist in his own district. I'm going to make, I guess, again, in 15 years, I might as well do it again, make a somewhat incendiary statement. Here we go again, it's pander time in the Legislature. And I think it's unfortunate that we have blind people walking around in the dark saying they see the light, they know how to walk, don't worry, there's no •• you know, "I'm okay, I know what I'm doing. We know enough, we've heard enough. I've done the research. I know. You know, I'm the Legislator, so I understand the impact environmentally of barges in the Sound, and I understand liquified natural gas and the terrorist threat to United •• I know, so we should •• we should oppose it right now. What are we waiting for? We should have opposed it yesterday, years ago. We should have known it was coming, we should have opposed this, and I think that's unfortunate.

Now, I'm not saying that I'm going to support it or oppose it. Legislator Caracciolo put in a bill to do exactly what a Legislature is supposed to do, gather information. My only concern is to make sure that when we pick those who are supposed to be, according to the resolution, impartial, professional, and give us straight answers, that they're not going to be moved by what seems to be the rush to the environmental coalition out there, breathing down our back to tell us we have to do something about something we know nothing about. We are generalists.

We come here as Legislators from all walks of life, lawyers and others who come from union work, and teaching, and all kinds of •• people that come from everywhere.

LEG. MYSTAL:

Thieves.

LEG. BINDER:

And we sit here, hopefully, to gather information, not to tell everybody we already understand something that is beyond our ability to understand. Legislator Caracciolo did exactly the right thing by saying that we have this responsibility.

I'm going to vote for this under the impression and under the assumption that where it says that the Presiding Officer is going to put this together, and I heard his statement, that he just wants to know information. Whether he agrees or disagrees is secondary, he just wants some information. And if that's what we're going to do, is, as professionals, who are not leaning for or against, they're just going to give us the straight scoop beyond the information that we're able to understand ourselves at this point, or gather, or research, then I want to support this. And I congratulate Legislator Caracciolo on putting this in.

And I would hope that we're going to put the brakes on our political feelings, that we have to line up with people, because maybe it will get us votes. I don't know in the end if I'm going to be supportive of this, but •• this project. It's really going to depend on what professional information we gather in a real professional search for that information. Is it safe? I hope it is, but •• because, in the end, if it takes care of •• if it lowers energy costs, if it does good things for Long Island, and it is safe, and it is environmentally sound, by professional standards, not by ours, not by our research, but if it is, then we should support this. If it's not, then we should certainly oppose it, and, at that time, we should.

And the fact that I hear that there is a sense resolution already put into the Legislature to oppose this before we have any information I think is the height of irresponsibility, and I hope, when that comes before us, if it does before the Legislature or the committees, that it will be soundly defeated or tabled until we understand this, until this happens. And, again, I just want to congratulate Legislator Caracciolo for doing exactly the right thing.

P.O. CARACAPPA:

Ironically enough, Legislator Lindsay had mentioned about the gas storage facility in Holtsville.

LEG. CARACCIOLO:

Just informed me of that.

P.O. CARACAPPA:

There was just an explosion, two-story explosion at the Holtsville gas depot. And no injuries, though, thankfully, at this point.

LEG. TONNA:

Do we know •• do we know anything about it?

P.O. CARACAPPA:

I was just handed ••

LEG. CARACCIOLO:

Just now.

P.O. CARACAPPA:

I was just handed the note.

LEG. TONNA:

Is that a KeySpan facility?

LEG. CARACCIOLO:

Yes.

LEG. TONNA:

What?

LEG. CARACCIOLO:

Yes, Paul.

LEG. TONNA:

Yes?

LEG. CARACCILO:

If it's the Holtsville facility, it is.

P.O. CARACAPPA:

Holtsville facility, Bill.

LEG. CARACCILO:

Mr. Chairman.

P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

Mr. Chairman, I suggest the absence of a quorum. I don't think we've got it. One, two, three, four, five ••

P.O. CARACAPPA:

All Legislators, please report to the horseshoe.

LEG. BISHOP:

•• six, seven, eight, nine. I think we're good. All right.

P.O. CARACAPPA:

Good. Go ahead.

LEG. BISHOP:

I just •• I just want to •• poor Legislator Cooper. I mean, he made •• he's getting beat up by everybody, including myself.

I don't think that an opposition resolution at this time would be mutually exclusive with a resolution to undertake a study. I think it's a good expense of the 477 Account. We have here

••

LEG. CARACCILOLO:

Not 477, Dave, 456.

LEG. BISHOP:

456. Right, 456. 477 is the other one that we are •• that would be a bad expense for the 477 account. It's a proper expense of the 456 Account. It's a complicated proposal with significant impact on our region as a whole, and whether Suffolk County's involvement in this process is welcome or not. It's a type typically that we would get involved in and we should get involved in in this circumstance, and the best way that we could involve ourselves is to gather facts that are difficult for community opponents to gather because of resources. So, it's a good bill, and I congratulate the sponsor.

LEG. CARACCILOLO:

Thank you, Dave.

P.O. CARACAPPA:

Okay. Just so everyone knows, it was a home heating oil tank that exploded.

LEG. TONNA:

There you go, there you go. That's why you need the facts.

P.O. CARACAPPA:

No. It was a facility that stores it, but it wasn't liquid gas, it was home heating oil. Okay. Who was next? Legislator Schneiderman.

LEG. SCHNEIDERMAN:

You know, still, perhaps it's a ••

LEG. BISHOP:

The Legislator from KeySpan was a little upset there for a second.

LEG. TONNA:

Right, exactly.

LEG. SCHNEIDERMAN:

So, still, perhaps ••

LEG. BISHOP:

God forbid Mr. Catell was ••

LEG. SCHNEIDERMAN:

•• that news comes as an omen to warn us, warn us about the potential dangers involved. Certainly, we're talking about a much grander scale here with this Broadwater facility, and we really don't know what the impacts are.

Sense resolutions are nice, but they don't carry the force of law behind them. By doing this procedural motion, we could get data that can help us later on. This is a federal issue, and if we are not armed with good science backing up our claims, then we'll be in no position to oppose this if we need to bring legal action or other types of action to stop this facility from going in.

So, we must, I believe we must gather data, we must learn what the impacts on human health might be from an explosion at this facility, if it is targeted in a terrorist attack, or if there is an accident here. And I certainly will support this. In fact, I'd like to cosponsor this with the others, including the main sponsor, Mr. Caracciolo.

P.O. CARACAPPA:

Legislator Kennedy.

LEG. KENNEDY:

What I would just say is, based on everything that we heard, and I'd ask the sponsor, you mentioned that you'd be seeking input, I guess, from our United States Senators. Obviously, Homeland Security and what its assessment would be of a facility like this I think would be paramount, and all the data that winds up being gathered. Also, whatever, God forbid, we could muster from local fire control resources and emergency resources to go ahead and

address some type of catastrophe would be critical. More information, information is power.

P.O. CARACAPPA:

Very good. On the procedural motion, there's a motion and a second. All in favor? Opposed? Abstentions?

LEG. COOPER:

Abstain.

P.O. CARACAPPA:

One abstention in Legislator Cooper.

LEG. MYSTAL:

Henry.

MR. MONTANO:

This is to approve, right?

P.O. CARACAPPA:

To approve the procedural motion.

LEG. MONTANO:

Mark me yes.

LEG. CARACCILOLO:

Thank you all.

MR. BARTON:

17, 1 abstention.

ENVIRONMENT, PLANNING AND AGRICULTURE

P.O. CARACAPPA:

Environment, Planning and Agriculture. **2039 (Creating a transfer of Development Rights**

Oversight Committee to promote work force housing ad a sustainable environment).

MS. BIZZARRO:

Chairman Caracappa, I'd like it make a comment on that?

P.O. CARACAPPA:

Please, go right ahead.

MS. BIZZARRO:

I believe my office has commented on this resolution at the committee meetings. Basically, I just want to comment that the resolution as it stands now is inconsistent with the •• with Article 36 of the County Charter, which was recently adopted by mandatory referendum. That charter section specifically sets forth that a program established by the Department of Planning would dictate rights in connection with transfer of development rights. If a TDR Committee was warranted, it would have been included in that Charter Law. TDR Committee •• the TDR Committee referenced in the subject resolution may interfere with the program by allowing this committee to make recommendations directly to the Legislature. Thank you.

P.O. CARACAPPA:

Thank you. There's a motion by Legislator Caracciolo, second by myself. On the motion, Legislator Vilorio•Fisher.

LEG. VILORIA•FISHER:

Motion to table.

P.O. CARACAPPA:

Motion to table by ••

LEG. FOLEY:

Second.

P.O. CARACAPPA:

•• Legislator Vilorio•Fisher, second by Legislator Foley. On the tabling, it takes precedence. All in favor? Opposed?

[Opposed Said in Unison by Legislators]

Okay. Roll call.

MR. BARTON:

On the motion to table 2039.

P.O. CARACAPPA:

Hold on. Before you •• this is to table Resolution 2039, which is creating a transfer of Development Rights Oversight Committee to promote workforce housing in a sustainable environment.

LEG. VILORIA•FISHER:

Yes.

P.O. CARACAPPA:

This is a tabling motion. Roll call.

LEG. FOLEY:

Just on the motion.

LEG. VILORIA•FISHER:

On the motion, Mr. Chair.

LEG. FOLEY:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Viloria•Fisher.

LEG. VILORIA•FISHER:

Just very briefly, my reasons for making the motion to table are •• reflect those arguments that were presented by Miss Bizzarro. The bond on which the people of Suffolk County voted had as one of its provisions that the TDR process be developed by the Planning Department and the

Health Department. That's within the language of the bill and I think that that was sufficient.

P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

I concur with Legislator Vilorio•Fisher's remarks. Thank You.

P.O. CARACAPPA:

Motion to table and a second. All in favor? Oh, on the motion.

LEG. CARACCIOLO:

Yeah. Let me just state for the record, Mr. Chairman, that the •• this concept of an oversight committee comes right out of Mr. Isles report, dated November 2003, Suffolk County Smart Growth Committee Report Analysis and Prioritization on Page 26, and it states as follows: "The Suffolk County Smart Growth Development Rights Oversight Committee should be a committee of mostly County officials, including but not limited to," and it's the same representation that's in this resolution. The only thing we added was two legislative representatives. So, I don't know what others are talking about, but this is right out of Mr. Isles' shop and the Smart Growth Committee report. Thank you, Mr. Chairman.

P.O. CARACAPPA:

There's a motion and second to table. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. VILORIA•FISHER:

Yes.

LEG. FOLEY:

Yes.

LEG. CARACCIOLO:

Nope.

LEG. SCHNEIDERMAN:

No.

LEG. O'LEARY:

No.

LEG. LOSQUADRO:

No.

LEG. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

No.

LEG. BISHOP:

Yes.

LEG. MYSTAL:

Yes.

LEG. BINDER:

No.

LEG. TONNA:

No.

LEG. COOPER:

Yes to table.

D.P.O. CARPENTER:

No.

P.O. CARACAPPA:

No to tabling.

LEG. MYSTAL:

Veto time.

MR. BARTON:

Seven.

P.O. CARACAPPA:

There's a motion to approve by Legislator Caracciolo, second by Legislator O'Leary. All in favor? Opposed?

LEG. FOLEY:

Roll call.

P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

No.

LEG. MYSTAL:

No.

LEG. BINDER:

Yes.

LEG. TONNA:

No.

LEG. COOPER:

No.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

Ten.

P.O. CARACAPPA:

It's approved. ***2295 (Amending Resolution No. 1127•2004, to authorize acquisition of land under the New Suffolk County Drinking Water Protection Program • Open Space Segment (Schleicher property • Town of Southampton).*** Motion by Legislator Schneiderman, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2313 (Amending the 2005 Operating Budget to transfer funds from the Suffolk County Water Protection Fund (477) Reserve Fund to the Suffolk County Department of Planning for a study on the effects of the duck farming industry on Long Island).

LEG. LOSQUADRO:

Motion to table.

P.O. CARACAPPA:

Motion to table by Legislator Losquadro, second by Legislator Alden. All in favor?

MR. ZWIRN:

Excuse me, Mr. ••

P.O. CARACAPPA:

On the motion, Legislator Lindsay.

LEG. LINDSAY:

Yeah.

P.O. CARACAPPA:

Oh, Mr. Zwirn, I apologize.

LEG. LINDSAY:

Mr. Zwirn.

MR. ZWIRN:

This is on 22 ••

P.O. CARACAPPA:

2313.

LEG. LINDSAY:

2313.

MR. ZWIRN:

If I may, the Planning Department spoke at committee on this particular bill, and there's matching funds available that we will lose if we delay this project. It's not an expensive project because of all the land the County owns that were previously duck farms. This is to do an environmental analysis of that and we will lose, I think it's at least \$22,000 from the Army Corps of Engineers if we do not move forward.

LEG. KENNEDY:

Mr. Chair.

P.O. CARACAPPA:

Legislator Alden, then Viloría•Fisher, then Kennedy.

LEG. ALDEN:

With all due respect, if the Department of Planning, in order to not lose all these matching funds, if they can't come up with \$22,000 in their budget, I think that that's pretty sad. But to go into the 477 Account to supplement the Planning Department's budget for salaries, and that almost looks like what's going to happen here, to prepare this study, I don't think that's something that we want to really do with the 477 Account. Thank you.

P.O. CARACAPPA:

Legislator Viloría•Fisher.

LEG. VILORIA•FISHER:

Actually, the •• Counsel, can you tell us what the purpose of the 477 account is?

MS. KNAPP:

The 477 account is the account that's intended for water quality, it is listed in the Charter. The section is quite detailed in the beginning. I can find it fairly quickly. It's intended to fund projects basically that clearly clean the water. However, there is a •• there is a provision in it that requires the projects to be somehow recommended by either the South Shore Estuary Program, the Long Island Sound Study Program, or the Peconic Estuary Program.

LEG. VILORIA•FISHER:

Okay. Mr. Zwirn •• thank you, Counsel. Is this project intended to address the issue of clean water?

MR. ZWIRN:

That's correct. It was spoke on •• and if you'd like, if you can pass over this, I'll have did he DeWitt Davies come back down from the Planning Department. He would have been here, but I didn't know we were going to get through the agenda so quickly this morning. But if you could just pass on this, Mr. Presiding Officer, I'll have DeWitt Davies come down and he can make a

quick presentation, similar to the one that he made at the committee.

LEG. VILORIA • FISHER:

Mr. Chair, would we be able to pass on this for Mr. Davies to return?

P.O. CARACAPPA:

There's still some speakers. I'll make a determination in a second. Legislator ••

LEG. VILORIA • FISHER:

Okay. But if •• just in case we don't have somebody come back, I just want to make it clear that this was voted out of committee with four yes votes and two no's, because we had seen •• we had had the presentation. We understand that •• it seems to me, to follow the dictates of the 477, the purpose of the 477 Account, we do have matching funds and the effects of the duck farming on Long Island should be studied. We should understand what is going into our water, and I certainly would be supporting this resolution.

P.O. CARACAPPA:

Okay. I think the problem is that I think everyone agrees with it and we'd like to get the matching funds, it's just there's a disagreement on the use of the 477 dollars here. It's a \$22,000 offset that we can find very easily instead of digging a line in the sand here. And it can be accomplished very easily and we should look for a very simple offset, so that we can all approve of it. Legislator Kennedy, then Losquadro.

LEG. KENNEDY:

Mr. Zwirn, hopefully, my question's kind of specific. You talked about the fact that there's federal matching funds, or a representative from the department talked about federal matching funds. What specific time frame are we looking at, and would a tabling for one cycle do anything to bypass that completely? What is the time?

MR. ZWIRN:

I believe that if we tabled it this cycle would put it beyond the time we could apply for those matching funds.

LEG. KENNEDY:

Can you get that specifically? Can you get a specific answer on that?

MR. ZWIRN:

Yes. I will if you can •• while you debate this, if you give me five seconds, I'll go out and make a phone call and get that answer.

LEG. KENNEDY:

Thank you.

LEG. BISHOP:

If I might.

P.O. CARACAPPA:

I'll put you on the list. Legislator Losquadro.

LEG. LOSQUADRO:

Thank you.

P.O. CARACAPPA:

Then Bishop.

LEG. LOSQUADRO:

This seems to be a pattern, and I'd point to Legislator Vilorio•Fisher to •• back to the original, the Save Open Space bond. Everything seems to be time sensitive, if we don't do this, we're going to lose matching funds, and as the Presiding Officer said, I do not agree with these line•in•the•sand type tactics. If we have to draw the line at some point and say, "Well, if they're unwilling to use the proper funding or the proper account, then we may have to lose out on this," and that's not our fault. We are not the ones who put these proposals in.

I voted against this in committee, I am going to vote against this now. I wish to remain consistent. They did make a very compelling argument in the committee. I am not going to debate whether or not this project is worthwhile, because it certainly is, but it was the wrong funding source, and we must remain consistent. We tabled every other 477 Account program that was put up, because we thought that they were wrong in committee, and I am not going to

change just because someone is saying we may lose out on a little bit of money on this. I'm sick of these tactics, and I'm not going to cave in just because someone is saying, well, this is another artificial time line that they're putting place.

P.O. CARACAPPA:

Legislator Bishop, then Caracciolo.

LEG. BISHOP:

Okay. If we go back to the history of this 477 Account, in the •• three years ago, four years ago, Gaffney's second to last year, they came forward with a very expensive bill that we approved, which subsidized the Parks Department budget, extensively hired many new people, paid for positions on the theory that these people that they hired, you know, people that took care of the •• you know, they cut the grass •• landscaping, landscapers and other positions in the Parks Department would allow them to go to integrated pest management, not put as many pesticides into the ground and ultimately into the water, then you see how this is getting used over the years.

This account is, as Counsel Knapp said, most fundamentally about cleaning the water, but the way it's being used, too much in my opinion, is it's attenuated from its primary purpose, it's used to fund studies, it's used to address activity on the land that could ultimately impact the water, and it's used to fund kamikaze oysters and clams who are being sent into the water on the theory that they clean the water when the water isn't clean yet, so it's going to be a chicken and egg situation. I believe that those poor mollusks are in for a rough time. What I feel that needs to occur••

LEG. VILORIA•FISHER:

But mollusks like to clean.

LEG. BISHOP:

Yes, they like to clean, but they might be sent into a mission impossible there. What I think ought to occur is that most of this money needs to be spent on direct activity to clean the water, and, unfortunately, the way this fund is used is that is a second priority at this time, and I think that we as a Legislature and the Executive need to work together to ensure that that is not the case.

I don't believe, however, that this fund is being purposely abused to constantly subsidize the Operating Budget. I don't think anything that nefarious is going on, but I think that we need to work with the administration better on identifying the types of spending that are going to have the greatest immediate impact and measurable impact. I think that should really always be our goal is to say, "If we spend this money, are we going to be able at the end of the process to measure the difference that it makes.

P.O. CARACAPPA:

Legislator Caracciolo. Caracciolo, then Alden.

LEG. CARACCIOLO:

I just wanted to make an inquiry, if I could, of Mr. Bishop, and I think he just made reference to one of those projects. But I know, Dave, you steadfastly, as Chair of the committee, and myself as Vice Chair, opposed the attempts by the previous administration to use this fund for permanent salaries, and that's what this resolution does. So, as other speakers have already stated, let's go •• let's go find \$22,000 in an offset account somewhere. I'm sure there's plenty of money in the Planning Department budget. What is the Planning Department budget, Mr. Zwirn? Or maybe I'll ask Mr. Spero. Jim?

LEG. BISHOP:

Planning Department budget? 3.1.

LEG. FOLEY:

2.7.

MR. SPERO:

The information is not summarized.

LEG. CARACCIOLO:

All right. But we're not talking about a lot of money. I don't think anyone around the horseshoe opposes the approach, the intent of this resolution, let's just find the money someplace else, Mr. Zwirn.

MR. ZWIRN:

Okay. It's \$44,000 from the Army Corps of Engineers, I just stand corrected.

LEG. CARACCILOLO:

Forty•four.

MR. ZWIRN:

Forty•four, not twenty •• 22,000 would be the County's financial contribution to get the 44,000 from the Army Corps of Engineers.

P.O. CARACAPPA:

Right.

LEG. CARACCILOLO:

How long has this ••

P.O. CARACAPPA:

Twenty•two thousand dollar offset.

LEG. CARACCILOLO:

How long has this matter been in the making? I mean, we have how many active duck farms in Suffolk County?

MR. ZWIRN:

Off hand, I couldn't tell you. DeWitt Davies could tell you, but there are quite a few, because this was ••

LEG. CARACCILOLO:

No, there were quite a few. There are not •• I think there's one or two still active.

MR. ZWIRN:

No. These would study the ones that the County had taken over in the past through acquisition in addition to the ones that I think are still in operation. It's not just the ones that are in operation.

LEG. CARACCILOLO:

Mr. Spero has an answer.

MR. SPERO:

The Planning Department budget is almost 2.1 million dollars ••

LEG. CARACCILOLO:

Okay.

MR. SPERO:

•• in total.

LEG. CARACCILOLO:

I would think we could find less than 1% of that department's budget to fund this important project. Thank you.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

Jim, I have a more technical question to you. When this •• when I originally proposed this legislation, it required a segregation of the funds so that we could make an accounting of it. And has that been done, because I know that recently we passed legislation here that would require that to be done. Has that been implemented at this time?

MR. SPERO:

Not as yet, but the law does require that an additional fund be created to segregate these funds.

LEG. ALDEN:

Have you had any discussions with the Budget Department on whether they're going to create that or ••

MR. SPERO:

Well, we're •• yeah, we'll be •• we're preparing a memo on the 477 funding in total and we will

be touching base with the Budget Office on these issues.

LEG. ALDEN:

Because without that implementation, we really can't identify where these funds are and exact amounts, and things like that; is that not correct?

MR. SPERO:

It will make it easier to identify certain funding sources if a separate fund were created.

LEG. ALDEN:

And through the Chair, can I ask, Ben, do you know anything about the implementation? Do you plan to implement the, you know, the •• and it's basically bookkeeping, but you have to establish the funds to segregate this money. Has that been discussed, or is that going to be happening sometime soon?

MR. ZWIRN:

With separate ••

LEG. ALDEN:

It was required under the original legislation that I proposed, and then it hadn't been done by a prior administration, so what I did was we passed another resolution earlier this year that would require, or maybe it was late last year, that would require the implementation and the establishment of separate funds. These funds have to be segregated.

MR. ZWIRN:

I believe they are, right, Allan? Yeah, they are, they are segregated.

LEG. ALDEN:

The accounts aren't established, though, and the ••

MR. ZWIRN:

Well, I'd have to get you a master list, Allan, but I believe they are segregated.

LEG. ALDEN:

Okay. Then somebody should talk to Budget Review Office ••

MR. ZWIRN:

Sure.

LEG. ALDEN:

•• because they say that the accounts haven't been set up yet and it hasn't been segregated, so for the reporting purposes, also for our informational purposes, to see how much is in each one of these different accounts that we've had set up.

MR. ZWIRN:

And I know there's been discussion and debate as to the use of 477 accounts, and I know there's a memo I think that Jim Spero had mentioned, and I think that's going to be back for the General Meeting?

MR. SPERO:

Yes.

MR. ZWIRN:

Then we'll have •• I think Counsel's working on it, so we'll have a better idea of •• so we can get the debate more focused. But if I can answer just Legislator Kennedy's question that he asked me about, what we •• is there a drop•dead date.

LEG. ALDEN:

Okay. I have one other question after you're done, though.

MR. ZWIRN:

Oh, I'm sorry, sure.

LEG. ALDEN:

No, go ahead.

MR. ZWIRN:

I want to ask the Chair, I don't want to ••

LEG. ALDEN:

When's the drop•dead date. I'll ask it.

MR. ZWIRN:

With the permission of the Chair, I don't ••

LEG. ALDEN:

Well, I'm through the Chair already. He gave me permission to ask questions, so what's the drop•dead date?

MR. ZWIRN:

Okay. Well, I want to be respectful, and, you know, I respect the ways of the Legislature.

LEG. ALDEN:

No, it's good you show respect.

P.O. CARACAPPA:

Thank you, Ben. Go right ahead and answer the question, if you would.

MR. ZWIRN:

And there is no specific drop•dead date, but DeWitt Davies told me from planning the Army Corps of Engineers said we have to let them know immediately with no specific date, because this funding is being requested by a number of municipalities around the country, so that there is not a specific date. But it doesn't mean that by the next meeting we will not have lost those funds.

LEG. ALDEN:

Okay. Now, just to get back to some discussion, and Legislator Caracciolo hit on this before, would it be possible, and just this is a thought to take back, to find some other funding source and bring it over as a CN? I don't think there's opposition to the project itself, I think that the funding source might be something that some of us don't want to support to make this happen, but if you would consider or take this back to the Executive Branch, that maybe they would consider doing a CN, find a different funding source. Twenty•two thousand dollars I think is ••

MR. ZWIRN:

It's 44,000.

LEG. ALDEN:

How much?

MR. ZWIRN:

Forty•four thousand.

LEG. ALDEN:

Our share is 44,000?

MR. ZWIRN:

Our share is \$22,000.

P.O. CARACAPPA:

Right.

MR. ZWIRN:

The Army Corps of Engineers would be 44,000.

P.O. CARACAPPA:

So, we needed \$22,000.

LEG. ALDEN:

So, we need \$22,000. That's what I was saying before.

P.O. CARACAPPA:

And not our 456 Account again.

LEG. ALDEN:

And, yeah, not our •• yeah, don't bring it out of our account. Thanks. But, you know, just take that suggestion back possibly.

LEG. KENNEDY:

Mr. Chair, just one last ••

P.O. CARACAPPA:

Legislator Kennedy.

LEG. KENNEDY:

All right. Just referencing what some of my colleagues have shared here, and particularly what we saw in Energy and Environment, that was not what was represented to us in Energy and Environment as far as the drop dead time. Thank you for getting the information for me, though.

P.O. CARACAPPA:

There's a motion and second to table. Anyone else? Legislator Lindsay.

LEG. LINDSAY:

There was a request, Mr. Chair, to set this aside and to get a report.

P.O. CARACAPPA:

Do you really •• do you want to set it aside?

LEG. VILORIA•FISHER:

Yes.

LEG. LOSQUADRO:

I'd like to call the vote.

P.O. CARACAPPA:

There's a motion to table by Legislator Viloria•Fisher until after the public hearings.

LEG. VILORIA•FISHER:

Thank you.

LEG. LINDSAY:

I'll second that.

P.O. CARACAPPA:

Second by Legislator Lindsay. Seeing that sometimes we're in agreement to this •• on this one and I don't think there is agreement. Okay. On the tabling motion until after lunch, roll call it.

LEG. ALDEN:

They might bring over a CN.

P.O. CARACAPPA:

They want to •• no, no, no.

MR. ZWIRN:

It will give me a chance ••

MR. BARTON:

Legislators ••

MR. ZWIRN:

It will give me a chance to communicate with The County Exec's Office if they want to do it by CN, or DeWitt Davies can make a last plea.

LEG. ALDEN:

Not one of our accounts, though.

P.O. CARACAPPA:

Okay, understood. We're in the middle of a roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. VILORIA • FISHER:

Yes.

LEG. LINDSAY:

Yes.

LEG. CARACCILO:

No.

LEG. SCHNEIDERMAN:

To table until after lunch? That's fine.

LEG. O'LEARY:

No.

LEG. LOSQUADRO:

No.

LEG. FOLEY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

No.

LEG. BISHOP:

Such nasty people. Yes.

LEG. MYSTAL:

Yes.

LEG. BINDER:

No.

LEG. TONNA:

Yep.

LEG. COOPER:

Yes.

D.P.O. CARPENTER:

No.

P.O. CARACAPPA:

I was a no.

MR. BARTON:

Caracappa.

P.O. CARACAPPA:

No.

MR. BARTON:

Nine.

P.O. CARACAPPA:

There's a motion and a second to table until the next General Meeting. All in favor? Opposed? Abstentions?

[Opposed Said in Unison by Legislators]

Opposition, just raise your hands and I'll call it out. Viloría•Fisher, Foley, Lindsay, Montano, Bishop, Mystal, Cooper.

LEG. ALDEN:

Mr. Presiding Officer, that doesn't preclude them ••

P.O. CARACAPPA:

Hold on.

LEG. ALDEN:

•• from bringing a CN later.

P.O. CARACAPPA:

No. A CN, hopefully, it will still be considered with the \$22,000 offset for the County share, and my •• I will do everything I can to work with the County Executive within the next couple of hours to hopefully come up with a mutual office that we could all agree upon. If not, we'll deal with it again at the next meeting.

MR. BARTON:

11.

P.O. CARACAPPA:

Moving on. 2313, that's just been tabled. ***2329 (Authorizing acquisition of land under the New Suffolk County Drinking Water Protection Program (land of South Oak Lane, East Islip • Town of Islip).*** Motion by Legislator Alden, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

HEALTH AND HUMAN SERVICES

P.O. CARACAPPA:

Health and Human Services. ***1928 (A Local Law to establish smoke free school bus stops in Suffolk County).*** Legislator Tonna.

LEG. TONNA:

Yep, motion.

P.O. CARACAPPA:

What's your poison?

LEG. TONNA:

Motion.

P.O. CARACAPPA:

Motion. Second? Is there a second?

LEG. FOLEY:

I'll second.

P.O. CARACAPPA:

Second by Legislator Foley.

LEG. TONNA:

On the motion. Just we've hit it in the committee a thousand times. The reason, it actually came from parents on bus stops, and my Legislative Aide got a call, the school district, South Huntington School District called us. There are parents who are smoking on the bus stops waiting with little children, and there are other parents •• this is not about teenagers. No •• if you know, most teenagers don't smoke at a bus stop, because they're caught on a bus stop, people see them. This about parents who are rude enough to smoke in front of other children, you know, in a closed confined area, and the school district •• not closed, confined technically, but closed, confined in a sense that they're •• you know, they're in a geographical small space. And when the school district actually came to a parent and said, "Look, we would ask that you not smoke, there's been some complaints that you're •• you know, you're breathing all of this smoke on these other children," you know, the parent said, "Tough." So, the school district actually asked us to reach out and see if we could work through •• to have some type of legislation approved, so that school districts now, when getting complaints.

So, the whole issue of enforcement, this is not something that I see where the smoke police come out and arrest people, you know, for somebody smoking at a bus stop. What I see this is a school district that has some tool to be able to utilize when having complaints about parents at bus stops. That's really the •• you know, this is isn't about stopping teenagers from

smoking at bus stops, or anything else, this is really specifically about little children and about the complaints that they have with some parents who just •• you know, who want to smoke in front of other kids.

LEG. BISHOP:

Not other kids ••

P.O. CARACAPPA:

Legislator Binder, then Bishop, and then who? O'Leary, and Alden.

LEG. BINDER:

Mr. Chairman, there are a lot of reasons not to pass this today, one of which is the enforceability question. When we talk about school districts wanting something to be able to say to parents, I don't know how effective it is to say to a parent, "Listen, there's an unenforceable law in Suffolk County that they will do anything about, they won't enforce, but the law is that you're not supposed to do this." It would seem to me that's kind of a waste of law, a waste of time, a waste of paper, and we shouldn't be doing that.

Second, this Legislature didn't even pass, that includes the author, legislation that would have banned smoking in cars with these same minors. We're talking in a car, the windows rolled up, and the children actually breathing the stuff in a concentrated manner in, and here we're talking about in an open area, an open area. So, the bottom line is, if we're not going •• if we're so concerned about the children, if we were concerned in an open area, we would be concerned about when they're in a car, when they're in the car with a friend, when they're in a car with almost anyone, we would have •• we didn't pass something that would have spoken to an enclosed place and here we would be speaking in an open area, so it's an unenforceable law.

By the way, also, we can't get information from the school districts if we even wanted to enforce it. We wouldn't know where the bus stops are, we wouldn't know how to, and we don't have the number of people that we would need in the Health Department to enforce it. So, overall, this is not just •• this is just not something that the Legislature should be doing. And my understanding is the Cancer Society, Heart and Lung Societies, both are not interested in supporting this. I called them up, I wanted them to come down when we had a Rules Committee, to come down, they said "No, we're not really supporting this anyway," so they wouldn't come down to speak on it, because they weren't interested in it, and that's what they

told me and my staff when we called. So, basically, all around, it doesn't seem to be a road that we should be going down.

D.P.O. CARPENTER:

Thank you, Legislator Binder. Legislator Bishop.

LEG. BISHOP:

My question •• Counsel is not here? Oh, yes, she is, stretching her legs. How is a bus stop defined?

MS. KNAPP:

In the statute, there is no definition. However, it does speak about the prohibition exists only when children are present at such designated bus stop.

LEG. BISHOP:

Waiting for a bus? So, if a child walks over to that corner at a nonbus •• not with the intention of waiting for a bus, but to look at a squirrel, then it's all right to smoke, but ••

LEG. TONNA:

Obviously, you don't have any children. You know, maybe your children will go looking for squirrels, your young children.

LEG. BISHOP:

No. You know what, my ••

LEG. TONNA:

You know, I would say be a parent and then try to figure out when to ask certain questions.

LEG. BISHOP:

My future child, if they're bothered by the smoke, will take five steps away and not run to their Legislator and say, "Pass a law for me." And I guess I'm the Democrat and you're the Republican. I just •• this is crazy.

LEG. TONNA:

I'm just responding to a constituent issue. I didn't even think it was an issue. I thought that most parents, when smoking with somebody, you know, they would say, "Okay, I won't smoke in front of another kid" •• you know, I would say that that was common courtesy, but, obviously, it isn't when a school district has to call a local Legislator and say, "Could you please pass a law?".

LEG. BISHOP:

Well, clearly, if we're going to •• we're going to legislate common courtesy, we're going to have a very lengthy agenda in the weeks ahead.

LEG. TONNA:

That's okay, you're not running in Huntington.

D.P.O. CARPENTER:

Legislator O'Leary.

LEG. O'LEARY:

Thank you. I'm a little bit troubled by mandating common courtesy through Legislative sources and means, but the •• what troubles me with this, with this particular bill is the fact that despite the fact it is unenforceable in my mind, it presents a situation where there are so many, and Legislator Bishop just eluded to this, the definition of a bus stop throughout the County. My understanding is that the school bus doesn't stop at designated places, oftentimes they stop outside the residence of the individual child or children who are going to get on that bus.

To advance this issue, smoking outside in an open air type of situation, it's not a closed environment, as was initially eluded to by Legislator Tonna, in an open air environment, certainly, the next step beyond this, would it be to •• excuse me, to prohibit smoking in its entirety in the outdoors? I mean, I'm not a smoker myself, but, certainly, those who do smoke right now with the various prohibitions that are in place, have only one place to smoke oftentimes and that is outside.

Clearly, this particular resolution addresses that issue of smoking outside. I'm troubled by the fact that it's coupled with the bus stop for children. But it's still outside and I'm very concerned about trying to mandate actions of adults as it pertains to their habits with there vices, whether it be good, bad or indifferent. So, I'm going to be opposed to this particular resolution, and I

would urge my colleagues to do so as well.

D.P.O. CARPENTER:

Thank you. Legislator Alden.

LEG. ALDEN:

I have a question of the sponsor or of Legislative Counsel. Who in the resolution is designated as the enforcement agent?

LEG. TONNA:

I'll let Legal Counsel answer that.

LEG. BISHOP:

Safety patrol kid.

MS. KNAPP:

This is an amendment to an already existing section of the Suffolk Code that governs numerous places where there are restrictions or prohibitions on smoking. As you see, this one is numbered "U", which probably puts it at the •• about one of twenty restrictions and prohibitions, and they are all under the jurisdiction of the Health Department.

LEG. ALDEN:

So, there would have to be a complaint made to our Department of Health, they would have to send out an inspector, and the inspector would have to catch somebody in the act, or try to catch someone in an act. Just to the sponsor, I'm going to make a suggestion.

LEG. TONNA:

Sure.

LEG. ALDEN:

If you •• if you have had this tabled, there might be another way to do this. As you know, my family and I were in a bus business, and there is a published record, each school district publishes a record of official stops that might actually make that technically school property, and there is a State law that prohibits smoking on school property, so ••

LEG. TONNA:

I'm open to anything. That sounds great to me.

LEG. ALDEN:

Why don't you •• if you would ••

LEG. TONNA:

I'll make a motion to table, and then I'll ask Legislator Alden to help me out on the bill.

LEG. ALDEN:

I will help.

LEG. FOLEY:

Excellent idea.

LEG. TONNA:

And we'll go from there.

LEG. ALDEN:

I'll second.

D.P.O. CARPENTER:

Okay.

LEG. TONNA:

You know, again, the idea is •• the idea is to, you know, to make sure that, you know, certain parents can't breathe smoke into other children's faces.

LEG. ALDEN:

And it's a good protection, so I'll second the ••

LEG. CARPENTER:

Okay. So we have a motion and a second for tabling. All those in favor? Opposed? Resolution is tabled.

MR. BARTON:

18.

D.P.O. CARPENTER:

And I would presume the remaining speakers will waive their speech. Thanks.

P.O. CARACAPPA:

Thank you, Legislator Carpenter, for handling it. 1928 is tabled. ***2305 (Approving the reappointment of Howard Glickstein as a member of the Suffolk County Human Rights Commission)***. Motion by Legislator Foley, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2306 (Approving the appointment of Thomas Kirdahy as a member of the Suffolk County Human Rights Commission). Motion by Legislator ••

D.P.O. CARPENTER:

Motion.

P.O. CARACAPPA:

•• Schneiderman, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2307 (Approving the reappointment of Rajeshwar Prasad as a member of the Suffolk County Human Rights Commission). Motion by myself, second by Legislator Foley. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2309 (Approving the reappointment of Rabbi Steven A. Moss as Chair of the Suffolk County Human Rights Commission). Motion by Legislator Tonna, second by Legislator Carpenter and Foley. All in favor? Opposed? Abstentions? Parks and Cultural Affairs.

MR. BARTON:

18.

PARKS AND CULTURAL AFFAIRS

P.O. CARACAPPA:

2223 (Appointing Daniel R. Olivieri as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 1)). Motion by Legislator Cooper, second by Legislator Tonna. All in favor? Opposed?

MR. BARTON:

18.

P.O. CARACAPPA:

2325 (Authorizing use of Makamah Preserve in Northport by Northport Road Runners Club). Motion by Legislator Cooper, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2326 (Re•appointing a member of the Suffolk County Board of Trustees of Parks, recreation and Conservation (Christopher C. Drake)). Motion by Legislator Caracciolo, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

PUBLIC SAFETY AND PUBLIC INFORMATION

P.O. CARACAPPA:

Public Safety, Public Information. **(2289•Accepting a donation of equipment from the Mattituck Lions Club).** Motion by Legislator Caracciolo, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2321 (Authorizing use of electronic monitoring devices for sex offenders). Motion by Legislator Alden, second by Legislator Lindsay. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2343 (Confirming appointment of County Commissioner of Fire, Rescue, and Emergency Services (FRES)). Motion by Legislator Carpenter, second by myself. On the motion, Legislator Carpenter.

D.P.O. CARPENTER:

Yes. I just wanted to state for the record that Commissioner or Commissioner•to•be Williams did come through the committee, was interviewed extensively and was approved unanimously. Joe was here this morning, but he got the call about the fire and asked if it would be all right if he left, and I was sure that everyone would understand, so that's why he's not here this morning.

LEG. VILORIA•FISHER:

Mr. Chair.

P.O. CARACAPPA:

Legislator Vilorio • Fisher.

D.P.O. CARPENTER:

Holtsville, as was announced earlier.

LEG. VILORIO • FISHER:

I would like to add to that, that ••

D.P.O. CARPENTER:

But he did call to say that the fire is under control, he just called a few moments ago.

LEG. VILORIO • FISHER:

I'm sorry, I thought you were finished.

D.P.O. CARPENTER:

No, go ahead.

LEG. VILORIO • FISHER:

I just wanted to add to that, that I think Mr. Williams made a great effort to reach out to all of us. He came to my office and answered a great many questions, and it was a very, very good interchange of idea •• ideas.

P.O. CARACAPPA:

Very good.

D.P.O. CARPENTER:

Also, if I could, I would just like to, through the Chair, commend Mr. Williams and everyone involved in FRES and DPW, and anyone else, Sheriff's Department, who was involved in the efforts over the weekend. It was, as the Emergency Manager for the County, Mr. Williams' first disaster, if you will, and he handled himself admirably. I think everyone would agree.

P.O. CARACAPPA:

Yep. And in closing, I have had several opportunities to meet with Mr. Williams. He comes across as a true professional who cares about the people involved in fire service. His resume is extensive, and we all look forward to working with him. So, there's a motion and second. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

PUBLIC WORKS AND PUBLIC TRANSPORTATION

P.O. CARACAPPA:

Mr. Williams is confirmed. Public Works, Public Transportation. ***(2297 • Calling for a public hearing upon a proposal to form Suffolk County Sewer District No. 16 • Yaphank • Municipal).*** Motion by ••

LEG. O'LEARY:

Motion.

P.O. CARACAPPA:

•• Legislator O'Leary, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2298 (Amending the 2005 Operating Budget by appropriating surplus funds from Fund 221 fund balance and amending the 2005 Capital Budget and Program in connection with planning for improvements to Suffolk County Sewer District No. 21 • SUNY at Stony Brook (CP 8121). Motion ••

LEG. BINDER:

Motion.

P.O. CARACAPPA:

•• by Legislator Binder, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

WAYS AND MEANS

P.O. CARACAPPA:

Ways and Means. Motion by myself, second by Legislator Lindsay. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2292 (Authorizing the sale of the County-owned real estate pursuant to Section 215, New York State County Law to Donald P. Joly (S.C.T.M. # 0500•022.00•02.00 •009.000). Motion by Legislator Alden, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2293 (Authorizing transfer of six (6) surplus County computers to Word of Life Ministries). Motion by Legislator Caracciolo, second by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Same second, same •• same motion, same second, same vote on ***2294 (Authorizing transfer***

of eight (8) surplus County computers to the Riverhead High School Technology Department).

MR. BARTON:

18.

P.O. CARACAPPA:

2330 (Authorizing transfer of two (2) surplus County computers to the Sachem Community Youth Services). Motion by Legislator Kennedy, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2331 (Authorizing transfer of three (3) surplus County computers to the Victims Information Bureau of Suffolk, Inc.). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

2332 (Authorizing transfer to four (4) surplus County computers to the Hauppauge Educational Foundation). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

2333 (Authorizing transfer of one (1) surplus County computers to the William Floyd Community Summit). Motion by Legislator O'Leary, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

34 (2334 • Authorizing transfer of one (1) surplus County computer to the South Country Community Conference). Same motion, same second, same vote.

35 (2335 • Authorizing transfer of two (2) surplus County computers to the Yaphank Historical Society). Same motion, same second, same vote

MR. BARTON:

18.

P.O. CARACAPPA:

36 (2336 • Authorizing transfer of one (1) surplus County computer to the Mastic Beach Property Owners). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

37 (2337 • Authorizing transfer of one (1) surplus County computer to Lifeline Mediation). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

38 (2338 • Authorizing transfer of two (2) surplus County computers to the Sunrise Fund). Same motion, same second, same vote.

MR. BARTON:

18.

P.O. CARACAPPA:

39 (2339 • Authorizing transfer of six (6) surplus County computers to the Girl Scouts

of Suffolk County). Same motion, same second, same •• actually, Legislator Nowick would be the •• making that motion, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2340 (Authorizing transfer of two (2) surplus County computers to the National Council on the Aging). Legislator Carpenter will make the motion, second by Legislator Alden. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

2341 (Authorizing transfer of two (2) surplus County computers to Youth Enrichment Services). Legislator Carpenter again, seconded by Legislator Bishop. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

SENSE RESOLUTIONS

P.O. CARACAPPA:

Sense Resolutions. Sense 81, that was approved. ***Sense 82 (Memorializing resolution requesting the New York State Legislature enact exemptions to the Freedom of Information Law to protect against identity theft)***. Motion ••

MR. MONTANO:

Explanation.

P.O. CARACAPPA:

Okay. Just let me just get the motion. Motion by Legislator Caracciolo, second by Legislator Carpenter. Explanation.

LEG. CARACCIOLO:

Counsel.

MS. KNAPP:

This resolution calls upon the State Legislature to enact exemptions from the Freedom of Information Law to ensure that all documents that contain certain information, such as social security numbers, mother's maiden name, certain private information, should be exempted from FOIL.

LEG. FOLEY:

Second the motion.

LEG. CARACCIOLO:

This was at the request of the County Clerk, just to refresh everybody's memory.

LEG. FOLEY:

Should I withdraw my second, then?

P.O. CARACAPPA:

There's a motion and second to approve?

MR. BARTON:

Yes.

P.O. CARACAPPA:

Further motions? All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

85 (Sense of the Legislature resolution requesting that the State of New York prohibit body piercing of minors). Motion by Legislator Alden, second by myself. All in favor? Opposed? Abstentions?

MR. MONTANO:

Abstain.

P.O. CARACAPPA:

Abstention, Legislator Montano.

MR. BARTON:

17, 1 abstention.

LEG. CARACCILO:

Mr. Chairman.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCILO:

We have a local law.

P.O. CARACAPPA:

Yes, I was sponsor.

LEG. CARACCILO:

Okay. And this is requesting the State to essentially follow ••

LEG. ALDEN:

Actually, it's a little different. The local law that Legislator Caracappa did basically gives the jurisdiction to our Health Department to enforce. What this does is treat the body piercing of a minor without their parental consent the same way you would tattooing of a minor without their parental consent, it will be a criminal matter. I'm asking them to criminalize it.

P.O. CARACAPPA:

Okay. All in favor •• that's approved. Okay. **86 (Sense of the Legislature resolution requesting that the New York State Department of Health expedite reporting of emergency service data to Suffolk County).** Motion by Legislator Carpenter.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

There's another Sense that has been asked to be laid on the table and approved. Under our rules, we can do that now again. Legislator Lindsay, if you wouldn't mind. My staff took it.

LEG. LINDSAY:

The sense resolution that I'm asking this body to review has to do with the Jets Stadium that's proposed in Manhattan. At first glance, it might say what is Suffolk County involved in an issue that's the City and the State, but the effect of this project is really huge to the whole metropolitan area. The amount of economic spin•off from this project will create tens of thousands of jobs. Many of those people that will enjoy those jobs live in Suffolk County. And I know I differ from some of my other Jets fans on the panel here, but I would love to see a New York team actually play in New York. And this issue, the necessity of addressing it so rapidly they tell me is •• I've been talking to the Jets people, that they expect it to be resolved up or down by the end of February, so it's before us.

LEG. BISHOP:

Joe.

D.P.O. CARPENTER:

So, this is going to make the difference.

LEG. LINDSAY:

I don't know whether this is going to make the difference, Legislator Carpenter.

D.P.O. CARPENTER:

I'll bet you it does.

LEG. BISHOP:

Joe.

D.P.O. CARPENTER:

It will.

LEG. LINDSAY:

It's never stopped us from butting our nose in before, you know.

D.P.O. CARPENTER:

Oh, I'm agreeing with you.

P.O. CARACAPPA:

Legislator Alden, then Bishop.

LEG. ALDEN:

The only one aspect of this that I don't like is that we're not suggesting that they locate out here in Suffolk County. But I like what •• I like what you're saying in this. And the other part that is very, very nice is that is if anybody's seen those obnoxious commercials that really are a bunch of lies and misstatements of •• it's not fact, it's just made up things.

LEG. CARACCILO:

Cablevision?

LEG. ALDEN:

That's all paid for by Cablevision. And anybody that actually subscribes to Cablevision is •• a lot of their money is being diverted to that ad campaign. So, this maybe could send another message to Cablevision that we're not all that happy with the way they're taking the money

away from our constituents and diverting it to their own personal agendas and spending huge amounts of money to fight an East Side •• it's an East Side stadium •• no, a West Side stadium, right.

P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

Well, if there's anything I'm unhappy with ••

P.O. CARACAPPA:

My fellow Jet fan.

LEG. BISHOP:

If there's anything I'm unhappy with Cablevision, it's about •• it's about the way they run the Rangers and the Knicks, but ••

P.O. CARACAPPA:

That's true.

LEG. BISHOP:

The proposal for a stadium on the West Side is the right proposal in the wrong place. The Jets, I'm a Jet season ticket holder, Presiding Officer Caracappa is a Jet season ticket holder, the Jets need to return to the motherland, which is ••

LEG. TONNA:

Queens.

LEG. BISHOP:

•• Long Island, and either Queens or further, further towards us. This is where the base of its fans live and reside, where the players train, and where the team belongs.

The stadium proposal on the West Side, on the far West Side for a season ticket holder, and they should be in the mix and considered, is not a very positive one, because it takes away •• the New York Stadium will probably be the only one in the country where the fans will not have

the opportunity to tailgate, which is an important part of the football experience and it will be denied.

So, if it's about the Jet fan, I can assure you that the Jet fan who lives on Long Island would not be in favor of this as it's currently constructed. What they do want is they want the stadium and they want it in Queens. And there are proposals for the City and the State to condemn the area adjacent to Shea Stadium that has all the auto body repair and demolition places ••

LEG. TONNA:

Oh, yeah, forget that.

LEG. BISHOP:

•• and to build the stadium there. There are other proposals to allow the West Side development to go forward, but to relocate Madison Square Garden to that area, which would make sense as well. Of course, I'm for the jobs, and we want a stadium, but we want the right kind of stadium for the fans as well. So, I would •• personally, I'm going to oppose it, although I was hoping to avoid this issue altogether as a Suffolk Legislator.

P.O. CARACAPPA:

Legislator Mystal.

LEG. MYSTAL:

Bill, nobody would ever accuse me of being an environmentalist, I'm an urban person. I happen to love Manhattan. I love the theater district. I wish they would never build a stadium on that side of Manhattan. I would like the job. It is ridiculous. Nobody ever thought about the traffic congestion that will happen in the West Side of Manhattan after a game, that's number one. Number two thing, like Legislator Bishop said, it's the right idea, the wrong place, it's the wrong place. We don't need a stadium •• for those that believe that we need to have a stadium to have the Olympics here, that's a lot of hogwash, because first of all, no state should have the Olympics anywhere, because it ruins you in terms of money. You lose so much money on anything that you put together. Every state, every country that has ever held it loses a bunch of money. So, I don't think, you know, we need a stadium on the West Side of New York. Put it back in Queens, bring it to Long Island, I don't care, but New York City, that little piece of land called Manhattan, forget it.

LEG. TONNA:

Make sure, Henry, that you get these minutes right away and send them right out to Mayor Bloomberg. I'm sure this is going to be really important for the decision makers.

LEG. MYSTAL:

I know it's not.

LEG. TONNA:

I'm abstaining on this just in principle. This is ridiculous.

P.O. CARACAPPA:

Well, I'll just •• as a Jet fan, I have to say, I certainly do not want a stadium to be on the West Side of Manhattan. I do want it back on Long Island, as Legislator Bishop said. But the reason I'm going to support this bill is because of the jobs that creating this facility will provide to •• much needed jobs in our area. So, for that reason, I'm going to support it, even •• because it is only a Sense, and I wanted my message to be in line with what I just said.

So, this is Sense Number 9. All in favor? There's a motion to waive the rules, lay on the table and approve. All in favor? Second. Legislator Lindsay •• second by Legislator Carpenter. All in favor? Opposed?

LEG. BISHOP:

Dramatic roll call.

P.O. CARACAPPA:

Do we really want a roll call?

LEG. BISHOP:

Yeah.

P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. LINDSAY:

Yes.

D.P.O. CARPENTER:

Yes.

LEG. CARACCILO:

Abstain.

LEG. SCHNEIDERMAN:

Yes.

LEG. O'LEARY:

Yes.

LEG. VILORIA • FISHER:

Abstain.

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes, yes •• no. I'm a no. No.

LEG. MYSTAL:

No.

LEG. BINDER:

Abstain.

LEG. TONNA:

Abstain.

LEG. COOPER:

Yes.

P.O. CARACAPPA:

Yes. Jobs.

MR. BARTON:

12.

P.O. CARACAPPA:

First down.

D.P.O. CARPENTER:

Very good time management today.

P.O. CARACAPPA:

Better than the Jets did. Okay. Late •• oh, CN's, let's do CN's.

LEG. BINDER:

Where are they?

MS. BAY:

They're coming.

P.O. CARACAPPA:

Then I'll do the late•starters as the CN's are coming. Late•starters. Motion to •• before I make this motion to approve these late•starters, Ladies and Gentlemen, the late•starters are out of control. I sent a memo beginning of last year and I sent it the first thing this year. If •• unless they are truly time sensitive, completely and truly time sensitive, let's try and cut back on the late•starters. It creates havoc for the Clerk's Office, creates havoc for your district staff, and it creates havoc on the whole process, so, please, please.

Motion to waive the rules and lay on the table the following late•starters, second •• second by Legislator Kennedy and Carpenter: 1079, EPA; 1080, EPA. These are •• these are planning steps. 1081, EPA; 1082, EPA; 1083, EPA; 1085, EPA; 1086, Budget and Finance; 1089, Public Safety; 1090, Public Safety, 1091, Public Safety; Sense 8, EPA. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1091 is Public Safety. We have to go back to the tabled resolutions. I skipped over one because the sponsor wasn't in the room. Legislator Binder.

LEG. BINDER:

Motion to table.

P.O. CARACAPPA:

Motion to table. That's ***Resolution 1694 (Authorize the commencement of Eminent Domain Proceedings for Mediavilla property, Town of Huntington)***. Second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Okay.

LEG. FOLEY:

What page is that on?

P.O. CARACAPPA:

Six. Motion to table. It was the Mediavilla Property, eminent domain proceedings.

CN's. ***1087 (Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Carmine Baffo, as executor of the estate of Ruth Lockhart 0100•172.00•01.00•007.000).*** Local Law 16 in Legislator Mystal's district. Motion by Legislator Mystal, second by Legislator Bishop. All in favor?

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

On the motion.

LEG. ALDEN:

Just to put it on the record. Just what are the terms on this, authorizing the sale pursuant to Local Law 16?

LEG. MYSTAL:

Yes, I understood. The term is •• the County took the house last •• less than a year ago, and the reason why I'm trying to get a CN passed is because they have a buyer for the house, and it's been less than a year since the County had the building. They're going to pay the money, \$35,000, on back•taxes, and they have a buyer and they want to sell the house right away. That's why I wanted a CN, because otherwise it will have to wait until March or February to redeem the house.

LEG. ALDEN:

This is a redemption?

LEG. MYSTAL:

Yes.

LEG. ALDEN:

As of right?

LEG. MYSTAL:

As of right.

LEG. ALDEN:

Okay.

P.O. CARACAPPA:

Okay? There's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1088 (Authorizing the Department of Public works to transfer three (3) paratransit vans to the New York State Unified Court System Office of Court Administration • Suffolk County ("UCS/OCA").

LEG. VILORIA•FISHER:

Motion.

P.O. CARACAPPA:

Motion by Legislator Viloría•Fisher, I'll second it. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

Okay. Anyone have any jokes?

LEG. MYSTAL:

Yes, I do.

P.O. CARACAPPA:

Just going back, I just want to announce that the next filing date deadline is February 8th, so if anyone has legislation that they want to file, need to file, think they want to file, please get it in by then, it would be appreciated.

We have no other business to come before the Legislature at this time. We will return at 2:30 for public hearings. I'd urge my colleagues to return. Other than that, we stand recessed until 2:30. Okay. Yeah, there might be •• also, there might •• who knows, another CN possibly. Thank you.

[THE MEETING WAS RECESSED AT 12:05 P.M. AND RESUMED AT 2:30 P.M.]

P.O. CARACAPPA:

Okay. Sorry for the delay. Get started with the public hearing portion of our meeting. Mr. Clerk, the affidavits of publication, they're in proper order?

MR. BARTON:

Yes, they are, Mr. Chairman.

P.O. CARACAPPA:

Thank you. First public hearing before us is on ***2102, Local Law to promote the health of Suffolk County residents by limiting non • essential use of toxic chemical pesticides in Suffolk County***). ***2102***. We have a few cards. First speaker is Larry Wilson. Before you start, Mr. Wilson, just let me let you know you have five minutes.

MR. WILSON:

Good afternoon. My name is Larry Wilson. I'm Chairman for New York Alliance for Environmental Concerns based in Yonkers, New York. I live in Yonkers. I'm here today to ask you to reconsider Mr. Schneiderman's proposal to ban the aesthetic use of pesticides.

The term "aesthetic use" is a little ambiguous, I think, and you can pretty much disqualify just about everything, you know, in the term "aesthetic use". Also, it clearly contrabands standing environmental conservation law, and I'm sure that everyone should know that, and I'm sure that you probably do know that it is illegal. I can't understand really why you would want to even go down that road, except perhaps for all the media attention that seems to be another component of this particular proposal.

For decades, people have asked for integrated pest management. They've been clamoring around to get funding to teach people integrated pest management, and a proposal like this just pretty much throws it all out the window.

So, again, I would just like to ask you to maybe take a second look at this, and, you know, perhaps find there are many different ways to accomplish Mr. Schneiderman's goals, and they are admirable goals, and I share your view that there are too many pesticides in use today, but I think this is sort of like a drastic step, and I ask you to please reconsider. Thank you very much.

P.O. CARACAPPA:

Thank you, Mr. Wilson. Joe Gergela.

MR. GERGELA:

Good afternoon, Presiding Officer, members of the Legislature. I'm Joe Gergela, Executive Director of Long Island Farm Bureau. I'm not going to get into all the reasons why we oppose this bill, we've already addressed the Legislature a couple of times through committee and at the full Legislature. Basically, Suffolk County is preempted under State law from regulating pesticides.

We had a very excellent meeting with Legislator Schneiderman last week, with members of the •• what we call the greens industry, people that would be affected by the precedence of this and concerns from an industry standpoint, and we, I thought, had very excellent discussion with him, and I hope that he is continuing to look at possible alternatives.

Basically, you already know that you're preempted from Federal and State law. We think it

would be a mistake to pass the bill, cause industry groups to go to court to prove a point, which the County would lose. It's already been upheld several times in the courts that it's not likely that the State or the Feds are going to say it's okay for local government to regulate pesticides. From an economic standpoint, can you imagine the tens of millions of dollars that you would need to give that authority to the Health Department on such issues.

Now, I can't speak for Vito, but I did have a small discussion with Vito Minei and just asked him his thoughts, and he says, "Well," he says, "We got to do what the Legislature wants us to do," however, you know, my perception is, is that they're not wild about the idea.

In my comments to you folks, I suggest that we look at things that will give us environmental benefit. Fund the ag stewardship program, which Legislator Fisher and others sponsored. We got through the Legislature. You gave us some money to get it running. That will give us real environmental benefit with the use of pesticides.

The second component is the IPM. The State of New York has a community IPM program and we think that that is the direction to go. The industry would like to work with Legislator Schneiderman. We will work hand in hand with Neighborhood Network and the environmental groups to have a more aggressive approach to educating the public about the aesthetic use of pesticides. His intent is worthy and laudable, but we think it's a bad idea to go further with this legislation. And I thank you for your attention.

P.O. CARACAPPA:

Thank you, Joe. Next speaker is H. Pat Voges. Voges.

MS. VOGES:

Good afternoon, honorable Legislators. Thank you for your time. My name is H. Pat Voges and I represent the close to sixteen hundred members of the Nassau•Suffolk Landscape Gardeners Association, of which approximately 650, mostly comprised of one family business, live and work in Suffolk County.

I have included with my written copy of this talk a copy of the recent publicized turf grass survey showing the economic impact of our industry on New York State, but we are not here today to talk about economics, we are here to talk about health. With that in mind, let me mention that I attend breast cancer meetings of Cornell University, the _BSURF_ Committee.

I sit on the IPM Advisory Board out at Cornell University which meets in Albany. However, I think IPM should mean Intelligent Pest Management instead of Integrated Pest Management.

Along with this, I also wear many other hats. I wear this pink ribbon, given to me by One in Nine with pride right alongside my NSLGA pin. I have also included •• the NSLGA hired •• a professional brochure showing just what it takes to be a grounds maintenance person.

So, let's talk a little about health and science. It's time our so-called environmentalists and cancer support groups do some research to support their claims that pesticides that we use to do our jobs cause unacceptable health risks. It's time to stop saying could be, may be, etcetera, when it comes to health risks. As of now, to quote my colleague in Rochester, the EPA, DEC, Department of Health, U.S. Department of Agriculture, U.S. Department of the Interior, U.S. Department of Forestry, U.S. Geological Survey, World Health Organization, public and private research and teaching institutions, etcetera, whose job it is to monitor and regulate pesticide use, pesticide use, contend pesticide used in accordance with instructional directions do not pose an unaccepted health risk or environmental risk. In fact, they are beneficial. Now, that's something to think about.

I have included in this package a program for the 37th Annual Professional Turf and Plant Conference held by the NSLGA. I would like you •• like to invite you to come and hear the experts talk about the subjects we are addressing here today, and find out that the days of "If you're paying, we're spraying," are long over. At that conference, we also do Legislator Bishop's organic course; okay?

The last thing I want to say today is it upsets me when our lawmakers that we elect to uphold the laws break the laws to try and make a point, and passage of this bill would break the State law. If the rest of us did that, we would be put jail.

Once again, thank you for your time today, and I am available to meet with each and every one of you to discuss these issues further.

P.O. CARACAPPA:

Thank you, sir. Beth Fitemi.

MS. FITEMI:

Hi. Thank you. Again, my name is Beth Fitemi. I'm the Organics Program Coordinator for the Neighborhood Network. The Neighborhood Network would like to express its support for Resolution I.R. 2102•04, introduced by Legislator Schneiderman.

The Neighborhood Network has worked to reduce pesticide use on Long Island for many years. We were instrumental in the passage of the New York State 48 Hour Neighbor Notice Law, which requires certified applicators to give written notice at least 48 hours in advance to neighbors in the property adjacent to the one they're spraying. We are also •• we are also a voting member of the Suffolk County Vector Control Citizens Advisory Committee. We advocate organic alternatives to pesticides through various programs, such as an annual organic turf trade show, which offers DEC credits to landscapers with a full day of workshops and product vendors, and we also coordinate an annual organic landscaper list for the public, which lists landscapers who are capable of providing 100% organic services to homeowners.

Our concern about pesticides is based on well established information about the health hazards of many of these chemicals. Pesticides used for lawn care have been shown through research and numerous individual poisoning incidents documented through the EPA to be associated with nerve damage, hormone disruption, reproductive affects, and even cancer. And I can speak personally for myself, I have taken a lot of calls from people who have been made sick by pesticides, and it's no fun to be on the other end of the phone line listening to their stories.

Many times people do not understand the risks and •• these risks with pesticides and unwittingly expose themselves or others to these chemicals. Pesticides also put our pets and wildlife at risk. One study in the early 1990's showed that dogs who live in a household where 2•4D is regularly used are twice as likely to develop canine lymphoma. Many pesticides are toxic to birds, bees and fish, and some are known to have the tendency to leach into groundwater.

In most cases, there's an organic or nontoxic approach to dealing with a pest or weed issue, which has not put the public at risk as synthetic pesticide chemicals do. For example, dandelions grow where soil is depleted in calcium and where PH is out of balance. This situation can be mitigated through the regular use of calcitic lime that they can buy at Home Depot, which both adds calcium and regulates the soil PH. Unfortunately, many people try no other solution than to spray the weeds with a pesticide and then are frustrated when the weed

returns, because the underlying cause has not been addressed.

There is a precedent for this type of pesticide regulation. Our Canadian neighbors in Quebec have called for a ban similar to this one being proposed on pesticides used for aesthetic purposes. The ban in Canada will take effect this year and we hope Suffolk County will follow their lead. Since, number one, on Long Island, we must take extra care of our sole source aquifer, and two, pesticides pose known risks to human health and the environment, and three, in most cases, there is a less toxic alternative to pesticide use, we believe that Suffolk County should be able to require higher standards and restrict pesticides use. The County has already engaged in phase-out of pesticides on County properties, so let's take the next step. Thank you.

P.O. CARACAPPA:

Thank you. Maureen Dolan.

MS. DOLAN:

Good afternoon. I'm Maureen Dolan with Citizens Campaign for the Environment.

We need to base our legislation on today's science. Today's science has clearly stated over and over that all pesticides are associated with some risk to human health, ranging from allergies, asthma, respiratory ailments, neurological disorders, cancer, and even death.

According to federal policies, it is illegal to proclaim any pesticide as safe, yet we continue to allow the companies and homeowners to freely and abundantly apply these toxic chemicals to lawns and gardens. Banning the aesthetic use of pesticides might be considered cutting edge legislation today, but ten years from now, it will be common legislation nationwide. Right now, public policy is attempting to catch up with peer reviewed science, and yes, at first it may not be the most convenient legislation to enact, and yes, at first there will be resistance to banning the aesthetic use of pesticides, but this is true with any ground-breaking legislation. We should not give preference to convenience over necessity.

Every year we continue to allow the aesthetic use of pesticides. We are allowing more toxic pesticides to leach into our groundwater and estuaries, degrading our water quality and eroding the health of the public. We need to take steps now to protect the future health of residents

and the future health of our environment. Thank you.

P.O. CARACAPPA:

Thank you. I have no other cards on this matter. Anyone wishing to be heard? There's a motion to recess, due to the fact that the SEQRA is incomplete, by Legislator Schneiderman.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

Second by Legislator Foley. All in favor? Opposed? Abstentions? Public hearing is recessed.

Moving on to Public Hearing regarding ***I.R. 2128, authorization of alteration of rates for Davis Park Ferry***. I have no cards. Anyone wishing to be heard?

D.P.O. CARPENTER:

Motion to close.

LEG. O'LEARY:

Motion to close.

P.O. CARACAPPA:

Motion to close by Legislator Carpenter, second by Legislator O'Leary. All in favor? Opposed? Abstentions? Public hearing •• it says SEQRA complete. Oh, the report's not complete. There's a motion to recess ••

LEG. FOLEY:

On the motion.

P.O. CARACAPPA:

•• by Legislator Carpenter, second by Legislator Foley.

LEG. FOLEY:

Just on the motion.

P.O. CARACAPPA:

On the motion.

LEG. FOLEY:

Thank you, Mr. Chairman. Kevin, when do we expect the SEQRA and the report to be ••

P.O. CARACAPPA:

SEQRA's complete.

LEG. FOLEY:

SEQRA's complete, but the report's not complete.

P.O. CARACAPPA:

Right.

MR. DUFFY:

We •• Jim Spero and I just had a conversation with Mr. Beck. We have a concern about the peer review of the accountant who had ••

LEG. FOLEY:

I understand. My question is when will the report be ready? Do you think it will be ready by our next General Meeting? I know it depends upon the answer you receive, but ••

MR. SPERO:

The point Kevin was going to make is that we can't proceed with the report, because the ferry company hasn't met the peer review requirements that other ferry companies adhered to, and that the peer review that was done wasn't up to the standards we believe was necessary for certified audited financial statements.

LEG. FOLEY:

So, that's why you're asking for a recess.

MR. SPERO:

So it's still at a stalemate situation with the ferry company, and this is a policy decision the

Legislature will have to make if they're going to require the ferry company to have its financial statements and the peer review analysis done in •• as is done with other ferry companies, and that comes at a substantial cost for the ferry company.

LEG. FOLEY:

So, that's why there's a motion to recess. Okay. Thank you.

P.O. CARACAPPA:

Legislator Carpenter.

D.P.O. CARPENTER:

I just want to double•check. You have contacted the ferry company?

MR. SPERO:

We just had a conversation with the attorney, Mr. Beck, 15 minutes ago in my office on this entire issue.

D.P.O. CARPENTER:

Okay.

MR. SPERO:

We'll be discussing it further.

P.O. CARACAPPA:

There's a motion and a second to ••

D.P.O. CARPENTER:

Thank you.

P.O. CARACAPPA:

•• recess. All in favor? Opposed? Abstentions? Public hearing on 2120 is recessed.

Moving on to public hearing regarding ***I.R. 2327 • A Local Law to amend Article II Chapter 270 of the Suffolk County Code to provide further protection under the "Crack House Law"***. I have no cards on this matter. Anyone wishing to be heard? SEQRA's complete.

Motion to close by Legislator Cooper.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Second by Legislator O'Leary. All in favor? Opposed? Abstentions? Make that a motion to close by Legislator Mystal. There's Legislator Cooper. All in favor? Opposed? Abstentions? 2327 is closed.

I'll make a motion, second by Legislator Carpenter, to set the date for the following public hearings: Thursday, February 10th, 2005, at 9:30 a.m., at the Ways and Means Committee in this auditorium here in Hauppauge, I.R. •• public hearing to discuss I.R. 1040, which is a Charter Law amending the Suffolk County Charter to require the adoption of a Reapportionment Plan.

Then setting the date of Thursday, February 10th, 2005, at 11:30 a.m., at the Health and Human Services Committee here in Hauppauge, I.R. 1066, a Local Law to amend Resolution Number 11•2005 •• is this the Tobacco 19, Legislator Foley?

LEG. FOLEY:

Yes, it is, Mr. Chairman. We approved the CN earlier in the month. There is another, I would call it, minor change that needs to be made to the bill that was not included in the former bill, so this would ••

P.O. CARACAPPA:

Do you have the right •• did you agree to this setting of this public hearing time and date?

LEG. ALDEN:

No, that should be at the general session, right?

P.O. CARACAPPA:

This is in the committee.

LEG. ALDEN:

Brian wants it at •• he doesn't want it at committee.

LEG. FOLEY:

The committee is fine. No. Well, normally speaking, we wouldn't. This is not a substantive change, so the committee would be fine to handle it. Ann Marie from the Clerk's Office had called me about it and I said the committee would be fine.

P.O. CARACAPPA:

Okay. Just double•checking ••

LEG. FOLEY:

But thank you. Thank you.

P.O. CARACAPPA:

•• because of your adamant opposition ••

LEG. FOLEY:

Yes.

P.O. CARACAPPA:

•• in the past to setting it in committees.

LEG. FOLEY:

Right.

P.O. CARACAPPA:

Okay? And also, setting the date for the following public hearing: On Tuesday, February 15th, 2:30 P.M., General Meeting here in Hauppauge, for I.R. 1003, 1009, 1021, 1025, 1037, 1065, 1067 and 1076. There's a motion and a second to set those public hearings. All in favor? Opposed? Abstentions? Those public hearings are set.

There's no other business to come before this Legislature. Anyone else wishing to be heard? We're adjourned.

LEG. CARACCILOLO:

Hold it. Hold it, Joe. Joe.

P.O. CARACAPPA:

Oh, Legislator Caracciolo.

LEG. CARACCILOLO:

Yeah. I have a question for Mr. Zwirn.

P.O. CARACAPPA:

On the record?

LEG. CARACCCIOLO:

On the record, yeah.

LEG. MYSTAL:

Zwirn is not here, he left.

LEG. CARACCILOLO:

He's right there.

LEG. MYSTAL:

He left.

P.O. CARACAPPA:

No, there won't be a CN coming over on the 477 ••

LEG. CARACCILOLO:

No, no, no, no.

P.O. CARACAPPA:

•• issue.

LEG. CARACCILOLO:

It has to do with one of the public hearings that's going to committee.

P.O. CARACAPPA:

Oh, okay.

LEG. CARACCILOLO:

Okay?

P.O. CARACAPPA:

Before, just pretend you didn't hear that gavel go down. Mr. Zwirn, there's a question for you.

LEG. CARACCILOLO:

This will only take a moment.

P.O. CARACAPPA:

Thanks for sticking around.

LEG. CARACCILOLO:

Mr. Zwirn, last night the County Executive in his remarks made reference to a Division of Cancer Awareness Task Force.

MR. ZWIRN:

Yes.

LEG. CARACCILOLO:

Could you enlighten the Legislature as to who's on this Task Force, when it was established, how often they have met, and are there minutes available of their proceedings?

MR. ZWIRN:

I can't answer those questions right now. I know there is a Cancer Task Force that was set up by the County Executive. I don't serve on it, but I can get you the information.

LEG. CARACCILOLO:

We would appreciate that.

MR. ZWIRN:

I also believe there's one in the Department of Energy and the Environment.

LEG. CARACCILOLO:

There is no Department of Energy and Environment.

MR. ZWIRN:

Well, that's •• there's a question whether it was •• it's in the budget, so ••

LEG. CARACCILOLO:

Well, Counsel.

LEG. ALDEN:

There is no •• there is no Department ••

LEG. CARACCILOLO:

Yeah, I mean ••

MS. KNAPP:

Last time I looked at the Charter, there was no Department of Energy and Environment.

LEG. CARACCILOLO:

Okay. How do we establish new departments, Counsel? How are new departments in County government established?

MS. KNAPP:

We do them by local law •• the Charter.

LEG. CARACCILOLO:

Has this Legislature adopted a local law to establish a new Department of Energy and Environment?

MS. KNAPP:

No, it has not.

LEG. CARACCILOLO:

We have not. Is it legal, then, to take funding that's in the 2005 budget ostensibly for a purpose for which a department has yet to be established and use that funding?

MS. KNAPP:

If the Legislature approves the funding, the purpose of the funding, then there is •• you can use it for the purpose that the Legislature approved it for. To the extent that a department has not been created, you certainly can't •• you certainly can't pay a Commissioner. Clearly, you haven't established that.

LEG. CARACCILOLO:

Do we have a Commissioner?

P.O. CARACAPPA:

No, not yet.

LEG. CARACCILOLO:

No.

MR. ZWIRN:

No.

LEG. CARACCILOLO:

Okay. Do we have a Commissioner, Mr. Zwirn?

MR. ZWIRN:

Of the Energy and Environment, no.

LEG. CARACCILOLO:

Okay. So, what, do we have in this, your words, Department of Energy and Environment?

MR. ZWIRN:

As established in the budget, there is a Department of •• there are people in a department listed in the budget and there ••

LEG. CARACCILOLO:

No. There's a framework in the budget for a department which is yet to be established, so let's make sure we understand the distinction. And I would like the information about the Cancer Awareness Division.

MR. ZWIRN:

I'll get that to you.

LEG. CARACCILOLO:

Not Division, Task Force.

MR. ZWIRN:

I'll get that to you as ••

LEG. CARACCILOLO:

Thank you.

MR. ZWIRN:

•• quickly as possible.

P.O. CARACAPPA:

Anyone else?

LEG. MYSTAL:

Motion to adjourn.

P.O. CARACAPPA:

Motion to adjourn by Legislator Mystal, second by Legislator Cooper. We stand adjourned.

[THE MEETING WAS ADJOURNED AT 2:58 P.M.]

_ _ ***Indicates Spelled Phonetically***